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*NATIONAL MUNICIPAL LEAGUE  
SERIES*

CITY GOVERNMENT  
BY COMMISSION



#11099

# CITY GOVERNMENT BY COMMISSION

EDITED BY

CLINTON ROGERS WOODRUFF



NEW YORK AND LONDON  
D. APPLETON AND COMPANY

1911

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## INTRODUCTION

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FOR seventeen years the National Municipal League has been the open forum for the discussion of municipal problems. In that time a great mass of valuable papers, documents, and discussions has been accumulated. An increasing quantity of this material, however, is almost inaccessible to new readers, members and investigators, because the editions of the various *Proceedings* are about exhausted.

How shall this material, which has proved so helpful in the past, be made available for the growing numbers of students of municipal affairs? To this question the Business Committee of the League has given its attention, with the result that arrangements have been made with the house of D. Appleton and Company, New York, to publish at popular prices a *National Municipal League Series*, to be made up of volumes, each dealing with a special phase of the municipal problem. Each one will contain the principal and most timely papers presented to the League dealing with the subject, together with such additional matter as may be necessary to bring the volume up to date and to make it a complete and comprehensive discussion.

Among the other volumes which the Publication

## INTRODUCTION

Committee has in early contemplation is one on "The Initiative, Referendum, and Recall," to be edited by Prof. William Bennett Munro, of Harvard; Prof. Augustus Raymond Hatton, of the Western Reserve University, Cleveland, is at work on a volume on "Constitutional Municipal Home Rule," and Dr. Clyde F. King, formerly of the University of Colorado, now of the University of Pennsylvania, will edit the volume on "Franchises." The papers prepared by the Committee on School Extension will also be published in full in the series.

Other volumes planned for deal with "Municipal Recreation," "City Planning," "Municipal Health and Sanitation," and "City Finances." The Publication Committee is composed of Prof. Albert Bushnell Hart, of Harvard; Prof. Charles A. Beard, of Columbia; Dr. William Bennett Munro, of Harvard; Prof. L. S. Rowe, of Pennsylvania, and Clinton Rogers Woodruff, Chairman.

## PREFACE

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THE first volume of the series herewith presented deals with the highly important and widely considered question of "City Government by Commission." It contains the papers presented to the League by Messrs. Dr. Ernest S. Bradford, Prof. William Bennett Munro, Oswald Ryan, Rear Admiral Chadwick, Ansley Wilcox, Esq., Horace E. Deming, Esq. Another chapter contains an article prepared by the Chairman of the Executive Committee, Prof. Albert Bushnell Hart. The other chapters were prepared by the Secretary, Clinton Rogers Woodruff, editor of the volume.

This volume contains the latest available data. It aims to present the strongest arguments for and against a system which has been more widely discussed in a shorter time than any previous plan for the improvement of municipal administration. It seeks to give the facts from official reports, so that the impartial and thoughtful student may inform himself about a phase of municipal life which is attracting an increasing amount of attention.

So far the National Municipal League has not indorsed the commission form of government in its entirety. In fact, there has as yet been no agreement

## PREFACE

among publicists as to what is the irreducible minimum which can be called commission government. Even in Texas, where the movement had its origin, we find sundry types, all called by the same name. To the extent that the commission government provides a short ballot, a concentration of authority in the hands of responsible officials, the elimination of ward lines and partisan designations in the selection of elective officials, adequate publicity in the conduct of public affairs, the merit system, and a city administration and a city administrator responsive to the deliberately formed and authoritatively expressed local public opinion of the city, it embodies principles for which the League stands. There are many other features upon which it has expressed no opinion. Abundant opportunity, however, has been given for their discussion, and at Richmond, in November, 1911, the whole subject will come up for a further consideration and the possible making of an authoritative report.

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# CITY GOVERNMENT BY COMMISSION

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## CHAPTER I

### GROWTH OF INTEREST IN COMMISSION GOVERNMENT

WITHOUT question, the most conspicuous single development of recent years in the realm of American municipal affairs has been the continued, rapid, and widespread interest in the commission form of municipal government and in charter reform generally. Actually adopted, to date, by 156 communities, 267 other communities have under serious consideration some one of the several forms of commission government. To show how general is the interest in this form of government, the following figures are taken from the records of the National Municipal League: In the New England states, 21 cities are considering the subject; in the Middle States, 62; in the South Atlantic, 20; the Eastern Northern Central, 51; in the Western Northern Central, 35; in the Eastern Southern Central, 19; in the Western Southern Central, 24; in the Mountain States, 18; in the Pacific States, 17—a total of 267.

This is a most remarkable showing and clearly

indicates the extent of the dissatisfaction with existing conditions and of the desire to utilize the most approved forms of successful municipal government. The figures for general charter reform movements tell an equally impressive story and fully justify the hopefulness of Ambassador Bryce regarding American municipal government, as expressed in an address, March 8, 1911, before the City Club of New York.

In the words of the *New York Tribune*,<sup>1</sup> "The great gain of recent years has been the popular resolution to improve city governments. Having become convinced that here was the one great failure of American democracy—and Mr. Bryce's own criticisms helped powerfully to make them aware of this—the people have addressed themselves to the task of making them a success. Some of the efforts appear almost frantic, as, for example, the eager experimenting with new charters, but they reflect the energy which is being directed toward bettering municipal administration. The speed with which the commission form of government has spread through the country, merely because originally it was reported to have been successful in one place, shows the determination of people to leave nothing untried which may prove a means to honesty and efficiency."

It is unfair, however, even to intimate that the movement for commission government has spread "merely because originally it was reported to have been successful in one place." To date no city which

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<sup>1</sup> Editorial, March 10, 1911.

has adopted the plan by a vote, or had the plan conferred upon it by a legislature, has abandoned the system or even taken the preliminary steps to that end. This is a really remarkable record, but it is due partly to the fact that commission government represents the concrete application of certain fundamental principles, as we shall see in a subsequent chapter;<sup>1</sup> and it is also due to the fact that the movement has been coincident with the awakening of the American people to their civic responsibilities and duties and to the development in them of a municipal conscience and consciousness.

Unquestionably a part of the early growth of the commission government movement was due to the remarkable success achieved in Galveston, where it had its birth. As early as the Chicago meeting of the National Municipal League, in the year 1904, the Secretary, in his annual review, declared that "the remarkable achievement of Galveston, Texas," could best be told in the testimony of a neighboring, competing city, San Antonio, which, by the way, has yet to follow in Galveston's footsteps:

"Only a little more than three years ago the City of Galveston was laid waste by one of the most disastrous storms in the history of this country. Thousands of lives were lost and hundreds of families rendered homeless. With the terrible destruction of property and diminishing of property values, with a heavy bonded indebtedness, and no funds with which

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<sup>1</sup> See Chapter III.

to meet the accrued and accruing interest, the city's credit was destroyed and the outlook was most discouraging.

"In her dire extremity Galveston abolished the old order of government and instituted in lieu a system which comprises a mayor and four commissioners, and these were selected with reference to their business and administrative capabilities, just as any business or industrial corporation would select those who were to manage and direct its properties. The result is attested by the splendid record of the municipal government of Galveston, as shown in the official reports, which forcibly illustrates what can be done in the management of the affairs of a city. . . . The floating debt of the city, on January 1, 1901, as per city auditor's report, was \$204,974.54. This sum has been reduced by the present administration, as per the recently adopted city budget, to \$22,000, without the issuance of a bond or one cent of additional taxation.

"It is also noted by the *Houston Post* that since the great storm, less than four years ago, \$75,000 has been expended for street-paving, and in the budget adopted by the City Commission a few days ago, the sum of \$30,000 is set aside for new paving, and there is another fund of \$23,000 for street improvements during the present fiscal year. The sum of \$31,200 is set apart for the maintenance of a charity hospital during the fiscal year, while \$2,000 is set aside for beautifying the parks and esplanades—the playgrounds of the people. The report of the City

Treasurer shows, at the close of business last month, there was \$332,646.25 cash in hand, and \$500,000 in bonded depositories, paying the city 3 per cent interest until it is needed in the grade-raising work.<sup>1</sup>

"Such is Galveston. But a little more than three years ago she was stricken almost to death. Her credit became *nil*, her public buildings were demolished, and her streets were strewn with the wreckage of thousands of homes. To-day, under the wise administration of an able commission of five of the leading citizens, who disregard the clamor of the political spoilsman, and who work from patriotic motives, Galveston has a credit at least unsurpassed by any city in the South. She is doing more public work, in proportion to population, than any city in the South. And she has the money to pay for this work. Galveston's example in municipal thrift is a lesson which all cities should learn. It demonstrates what strictly business methods will accomplish, and is a powerful appeal for driving politics out of municipal affairs."<sup>2</sup>

This, I think, was the first national recognition of an experiment in the management of municipal affairs, which has achieved not only national, but international, fame.

In 1906 the League further reported that the Galveston plan of government continued to excite at-

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<sup>1</sup> For further information, see Chapter XII, by Dr. Albert Bushnell Hart, detailing the experiences of Galveston and other Texas cities; also Chapter XI.

<sup>2</sup> See *Proceedings of the Chicago Conference* (1904), page 103.

tention, because it had "produced such admirable results through conscientious, faithful administration in the city of its origin that it has been copied in other Texas cities and has been very generally considered in other states, notably in Iowa, where, however, it has not secured sufficient support to secure enactment into law."<sup>1</sup>

From that time interest in the movement grew by leaps and bounds, and to-day is the most significant, and in many ways one of the most hopeful, phases of the new civic life of America.

A straight commission form of municipal government, in the judgment of Dr. Charles W. Eliot, one of its most active advocates, requires a commission composed of five members elected at large, one of whom is called the mayor, acting as chairman of the commission, but with no veto power, or any other special power not shared by the other members of the commission. The commission so elected is the source of all authority in the city, makes all ordinances, appoints all officials, collects taxes, and makes all appropriations. As set forth by its advocates, the significant features of the plan, in addition to those already mentioned, are:

Assignment of the important divisions of the city government to individual members of the commission, or to their election thereto by the voters, each being directly responsible for the conduct of his particular department; adequate compensation to the

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<sup>1</sup> See *Proceedings of the Atlantic City Conference* (1906), page 120.

commissioners for their time and labor, the city employing all the commissioners at living salaries, thus elevating the dignity of municipal service and making of it a public career, and not a mere avocation; regularity, frequency, and publicity of the meetings of the commissioners; all employees above the class of day laborers selected from eligible lists based on examinations, oral and written, carefully devised to develop merit and fitness; recommendations after examination by an independent civil service commission;<sup>1</sup> provision for the retention in office of all employees so appointed during good behavior; the power to initiate desired legislation reserved to the people, this right being known as the initiative; the power to call for a public vote on any measure adopted by the commission before being given effect as law reserved to the people, this being known as the referendum; the power at any time to make any member of the commission stand for reëlection reserved to the people, this being known as the recall; the granting of public franchise always to be submitted to the approval of the electors.<sup>2</sup>

There are two other most important features: the introduction of the principle of the short ballot and the elimination of ward lines. In the matured judgment of municipal students these are considered, to-

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<sup>1</sup> For the inadequacy of civil service provisions in some of the commission charters, see paper of Elliot H. Goodwin, read at the Buffalo meeting of the National Municipal League, 1910.

<sup>2</sup> See *Analysis* prepared by the Charleston, S. C., Community Club.

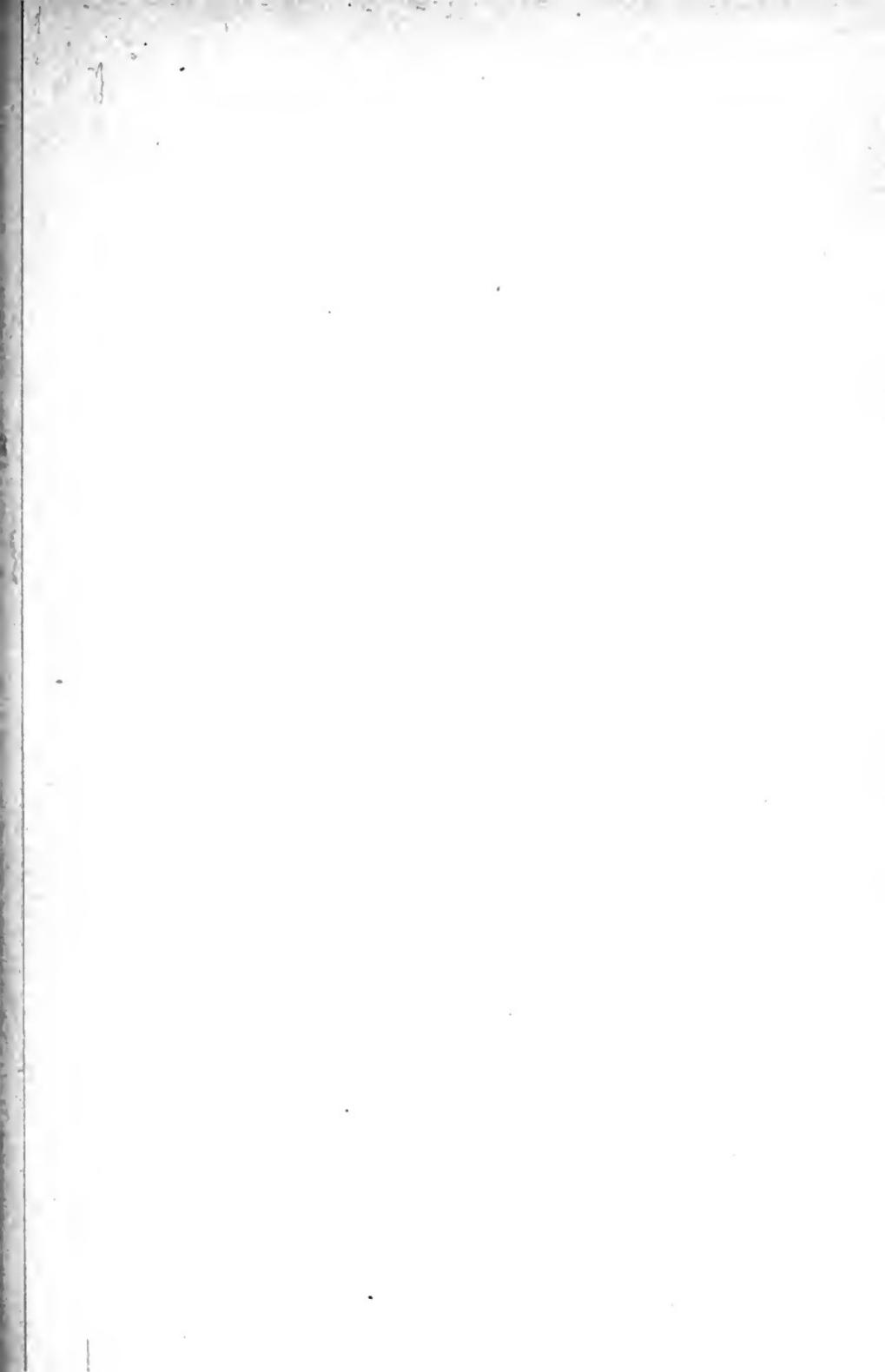
gether with the concentration of authority, as the most effective features of the system.

Some idea of the growth of the commission form of government may be measured by the extent of its adoption within the past four years, a detailed account of which will be found in Chapter XV. Texas, Iowa, Kansas, North Dakota, South Dakota, Kentucky, Mississippi, Minnesota, Illinois, Wisconsin, Louisiana, South Carolina, Oklahoma, Montana, and Wyoming have passed laws relating to all or certain classes of cities within their respective borders.<sup>1</sup>

An interesting and significant development of the movement has been the graphic delineation of the merits of the system in the way of the concentration of authority and responsibility. For instance, the Commission Government Association, of Buffalo, has issued two charts, one entitled "The people do not rule," showing how the powers under the present charter of Buffalo are dispersed among bureaus and bodies, none of which is directly and absolutely responsible to the electors; the other, under the caption of "The people rule," shows how the voters are the source of first and final authority and hold within their hands the complete power, not only over the personnel of the government, but over the subject matter of the government.

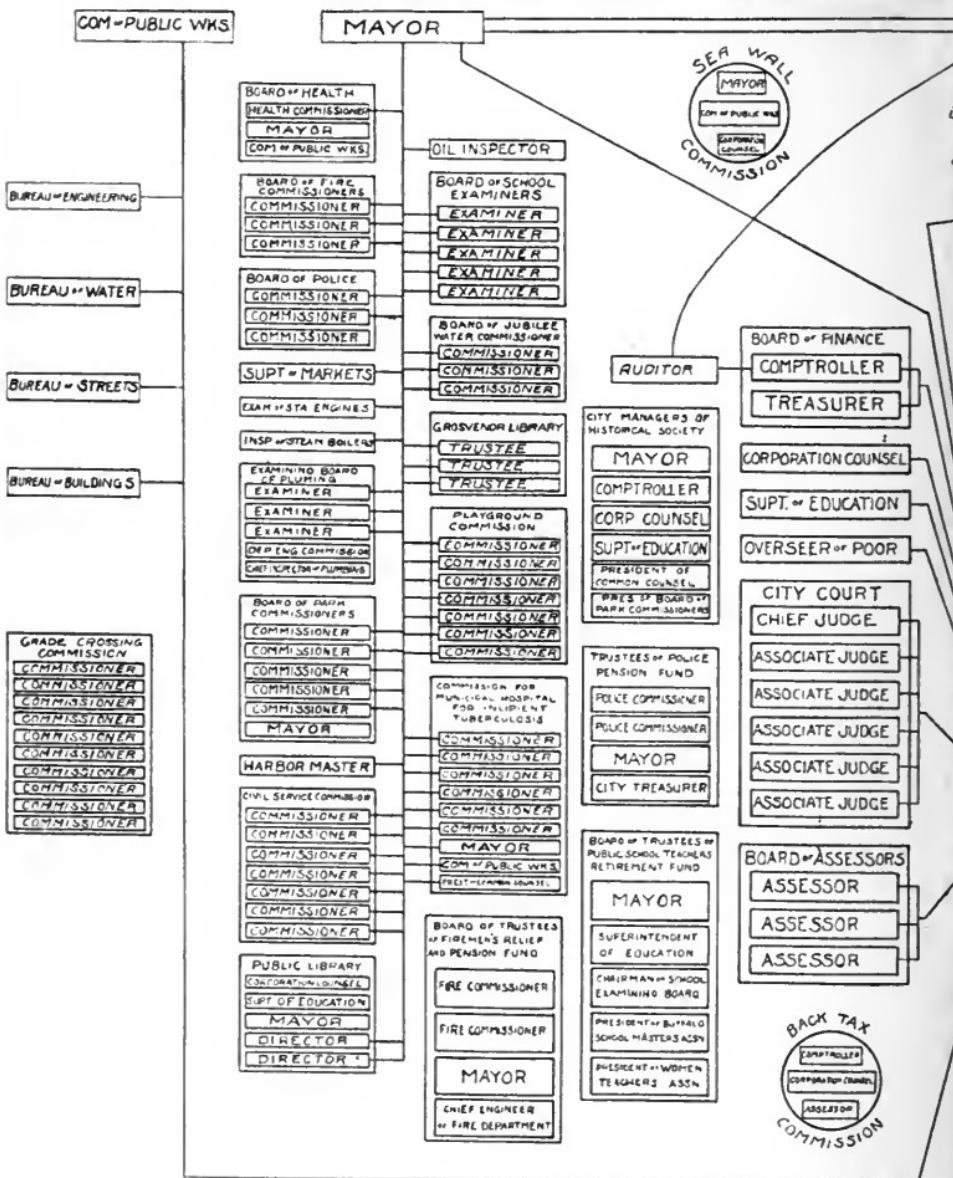
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<sup>1</sup> For a list of the cities governed by commissions up to May 5, 1911, see Chapter XV.

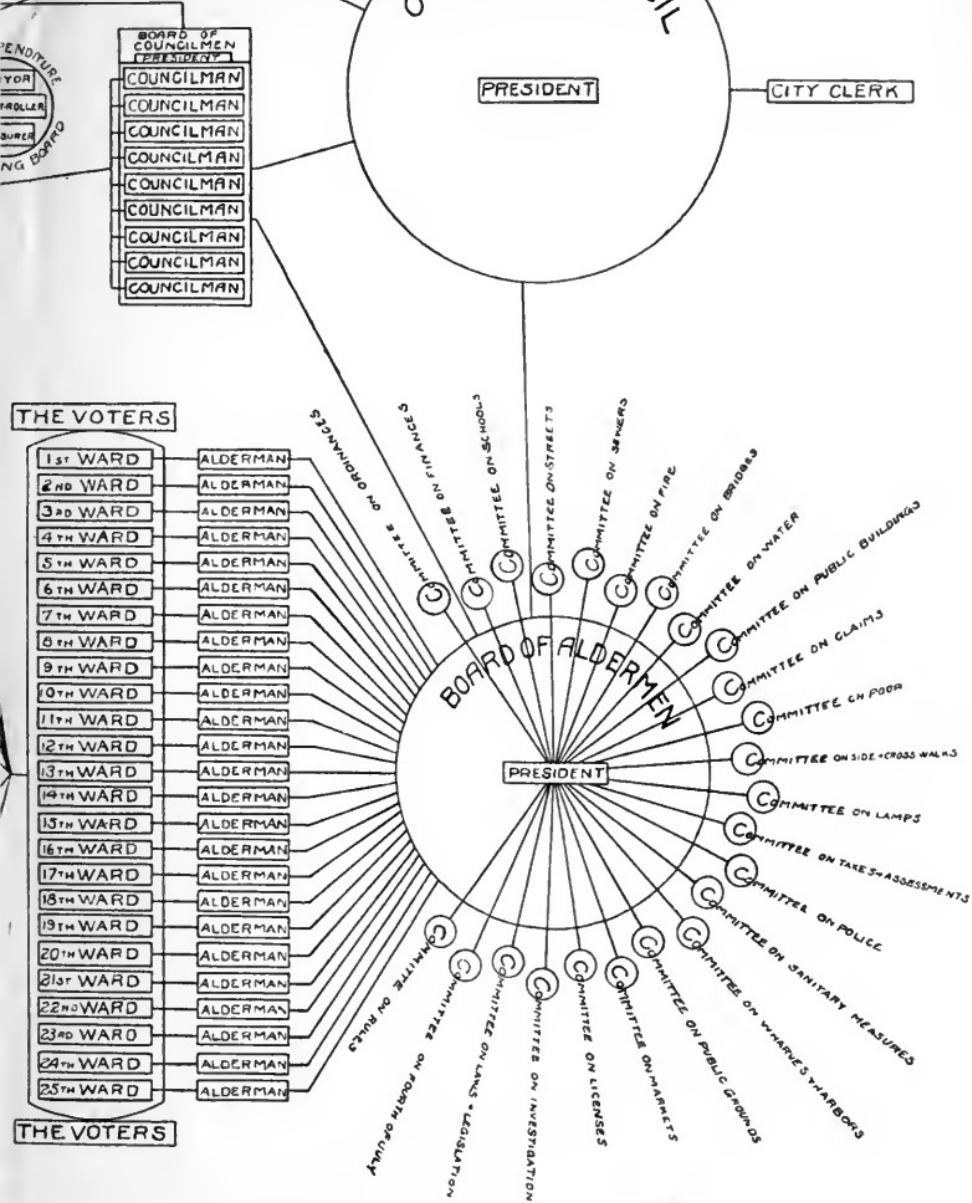


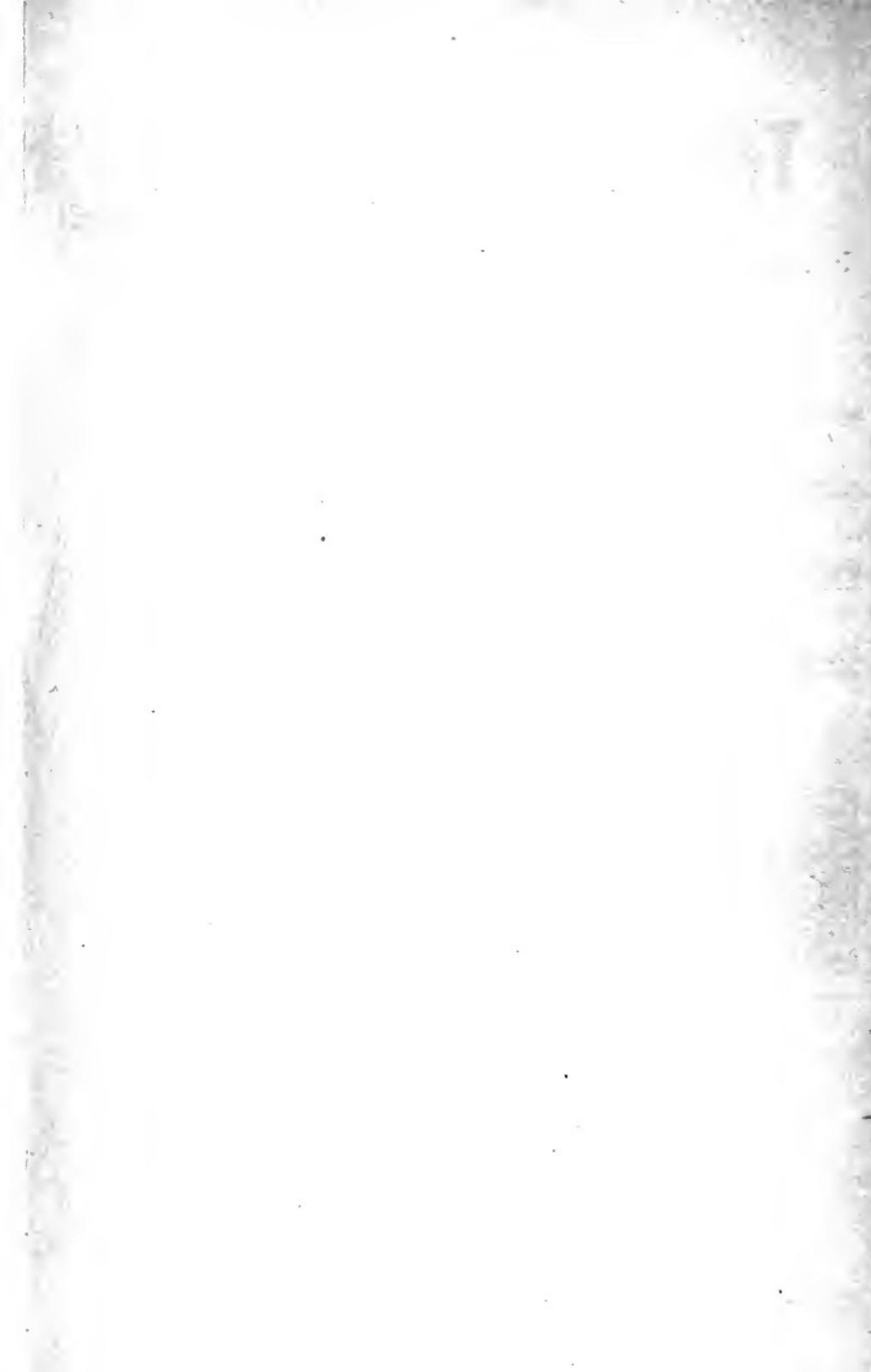
# THE PEOPLE DO NOT

## CHART OF BUFFALO CITY GOVERNMENT



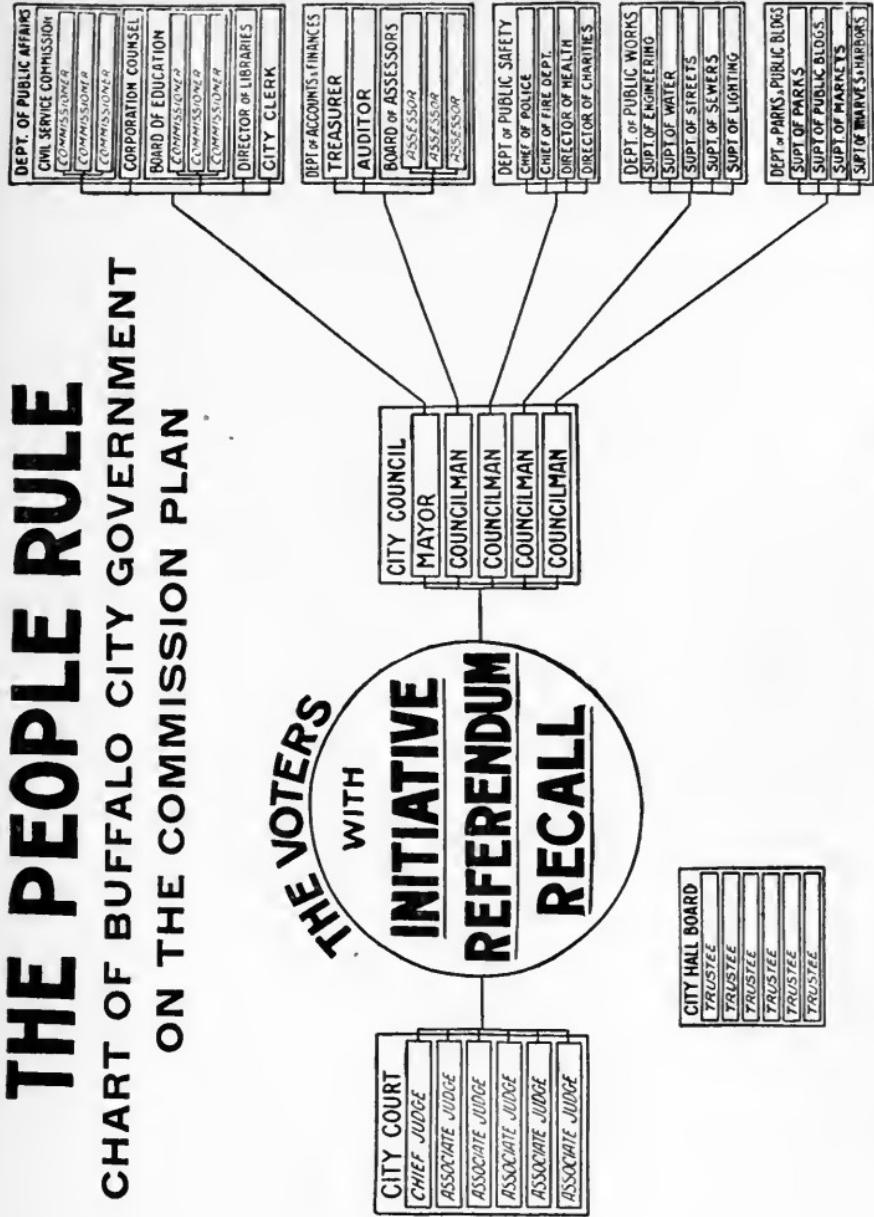
# THE RULE 1910





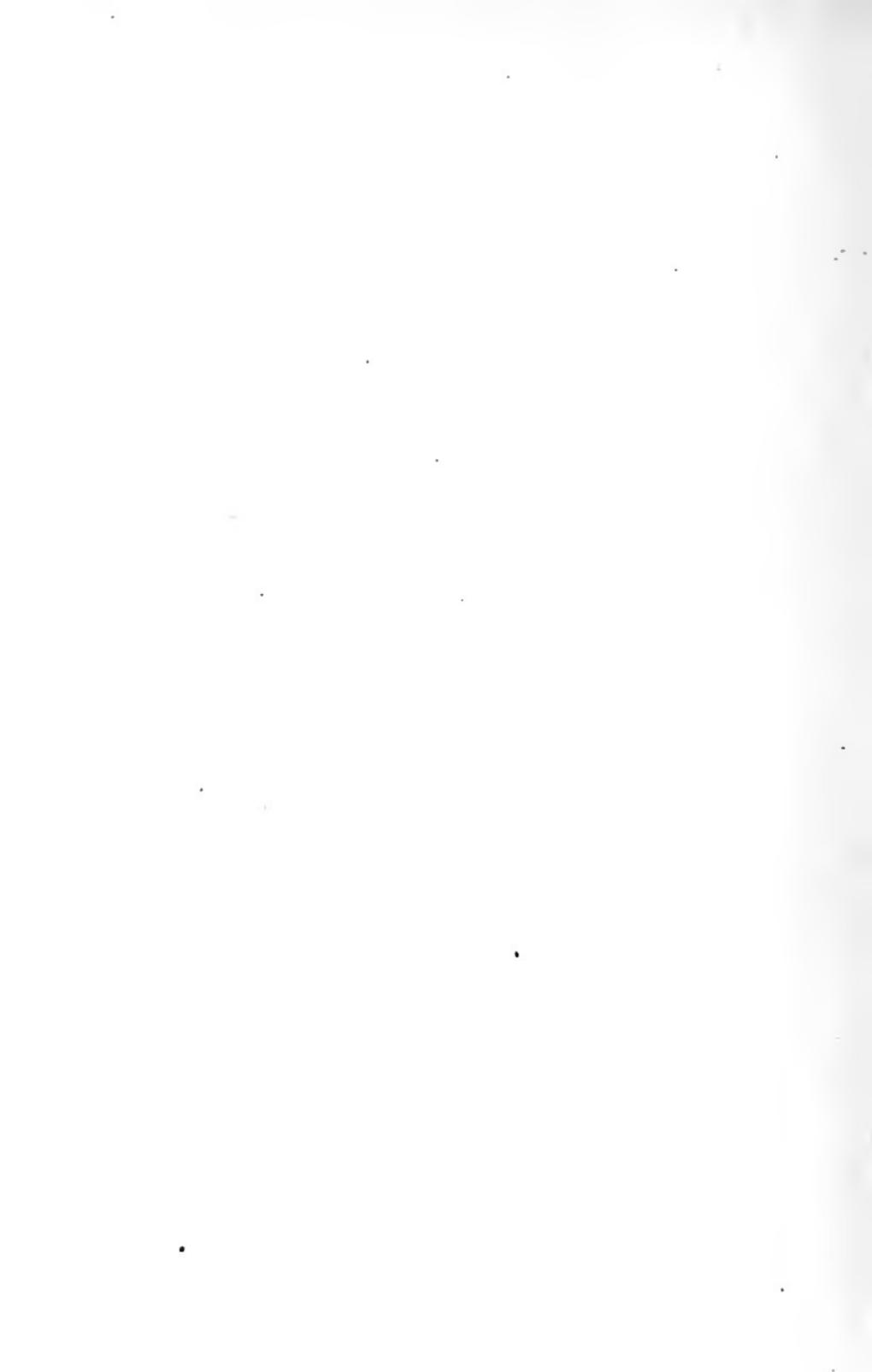
# THE PEOPLE RULE

## CHART OF BUFFALO CITY GOVERNMENT ON THE COMMISSION PLAN



CITIZENS ON NOV. 2, 1909

VOTED THAT THE CITY OF BUFFALO ASK THE STATE LEGISLATURE TO ENACT A CHARTER FOR BUFFALO ON THE COMMISSION PLAN



## CHAPTER II

### HISTORY OF THE COMMISSION GOVERNMENT IDEA

STUDENTS of government generally are agreed that the term "commission government," as it has come to be applied to American cities, is somewhat confusing and unfortunate, especially in those states where "commissions" have been important branches of state administration. It is confusing, as is pointed out in the Bulletin issued by the University Extension Division of the University of Wisconsin, of which Dr. F. H. MacGregor is editor, because when applied to state and to city administration it means two quite different things, and unfortunate because by application it has attached to a particular form of municipal organization all the prejudice and opposition that has grown up around an entirely different system of state administration. In this way the application of the name has, as the Bulletin declares, to some extent, at least, impaired the popularity of the new form of city government, particularly among those who do not thoroughly understand its organization, although that impression is being rapidly diminished with growing familiarity with the system.

As applied to state and national administration,

the term "commission government" is used in connection with the growing practice of delegating to appointed administrative boards or commissions—the Interstate Commerce Commission, state railroad commissions, tax commissions, boards of control, etc.—the administration of certain special or specified executive functions. These commissions are appointed by the president or governor for definite terms and take over from the executive complete control of that branch of the administration which falls within their province.

From the standpoint of organization, then, "commission government," as applied to the state, connotes decentralization, the delegation and division of authority and responsibility, and the disintegration of popular control. On this account the spread of the practice has developed considerable prejudice against the number and scope of such commissions "taking away the real governing powers," as has been thought, from the representatives of the people. Unjust as this feeling has been in many, possibly most, instances, it has left a more or less general dislike for the term "government by commission" in the popular mind.

As applied to city administration, however, commission government has a very different meaning. In striking contrast to its use in connection with the state, it is used to designate the most concentrated and centralized type of organization which has yet appeared in the annals of representative municipal history. Under so-called commission government for cities, the entire administration of the city's affairs is placed

in the hands of a small board of council—"commission"—elected at large and responsible directly to the electorate for the government of the city. In short, *this council is the whole government of the city.* The ordinary traditional system of checks and balances, the separation of powers into legislative, executive, and judicial, is abandoned. All of these powers are combined, and concentrated in the hands of that one governing board. It levies the taxes, votes the appropriations, enacts and enforces the laws, administers the public services, superintends the entire administration of the city's business. Its members, usually five in number, are the only elective officers of the city; all others are abolished or made appointive by, and subservient to, the board. It employs its officers, clerks, and employees, and removes them at will. The administration is usually, though not always, divided between the members of the board, each being placed at the head of a department—public affairs, police and fire, parks and property, finance and revenue, etc. Each member acts as general manager of his department, outlines its policy, and represents it on the council or governing board. In brief, commission government, as applied to cities, is an attempt to apply present-day commercial and industrial methods to the administration of municipal business.

What is popularly known as commission government in American cities is in reality not commission government at all, in any proper use of the term, but government by selectmen, aldermen-at-large, or by boards of municipal directors. These latter names

and others have been suggested as being more appropriate, but the term "commission" has now come to be so linked in the popular mind with the form of administration adopted in Galveston and Des Moines, that it would be impossible to change it at the present time. It originated in Galveston, and was suggested because under Galveston's first charter a majority of the members of its administrative board were appointed and "commissioned" by the governor of the state. Although all the members were two years later made elective, the term board of commissioners was still retained, and commission government came to be the name commonly used to designate that form of municipal organization, and still obtains, although most cities which have since adopted the plan have retained the terms city council and aldermen or councilmen, instead of commissioners, largely to make sure that the powers of government formerly exercised by the council could be likewise exercised by the commission.<sup>1</sup>

We must not overlook the fact that commission government, even as we now understand it, as applied to municipal administration, is not wholly new in America. Prof. J. H. Beale, Jr., of the Harvard Law School, is authority for the statement that the city of Boston, Mass., started off with government by commission. In an address before the Economic Club, of Boston,<sup>2</sup> he said: "The first city charter, proposed

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<sup>1</sup> See *Bulletin of the University Extension Division*, University of Wisconsin, 1911.

<sup>2</sup> January 21, 1908.

by Judge Shaw and his associates, provided a board, which was simply the successor of the board of selectmen of the town of Boston, to do all the executive business of the city."

Moreover, our county governments in many of our states have for many years been governed by county commissioners, usually three in number, to whom have been committed all the functions of local government. As a matter of fact, there is nothing new under the sun. George R. Wallace, Esq., a former civil service commissioner of Pittsburgh, in an address quoted<sup>1</sup> the following language:

"We decree also that in the said burg of Northampton there shall be elected, by the common choice of the burghers, four of the more learned and discreet (*legalioribus et discretioribus*) citizens, who shall care for the revenues of the Crown and other matters which to us and our Crown in that burg pertain, and who shall see to it that the citizens of the said burg, both rich and poor, shall act justly and according to law," and then proceeded to say:

"The above quotation is not taken from a 1910 draft of a commission plan of government. It is an extract from the charter granted by King John to the city of Northampton in the year 1200. Many other early English charters can be found in substantially the same form. During the last ten years this original form of English city government has been rediscovered in America, and we have been progressing

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<sup>1</sup>Before the League of Third-class Cities in Pennsylvania, at York, Pa., August, 1910.

backwards toward it, although no American city has yet reached the perfection of this charter; a charter which is properly divisible into two parts, one granting certain powers to the city and the other, which is quoted above, vesting the exercise of those powers in a small council elected at large."

Many of the later English charters modified this form by providing for an executive officer, who generally sat as the president of the council and was called burgess or mayor. This form of organization, it will be noticed, has been preserved practically unchanged in our modern business corporations, namely, a board of directors elected by all of the stockholders, a president, who sits as chairman of the board and who is the chief executive officer.

Blackstone, in his commentaries on the English law, Mr. Wallace further points out, discusses corporations as follows:

"These artificial persons are called bodies politic, bodies corporate (*corpora corporata*), or corporations, of which there is a great variety subsisting, for the advancement of religion, of learning, and of commerce; in order to maintain entire and forever these rights and immunities, which, if they were granted only to those individuals of which the body corporate is composed, would, upon their death, be utterly lost and extinct.

"Other lay corporations are erected for the good government of a town or particular district, as a mayor and commonalty, bailiff and burgesses, or the like."

It will be noticed, as Mr. Wallace shows, that he draws no distinction between the form of what we call private corporations and municipal or public corporations. The reason is that until recent times there was in the English law no fundamental distinction between these two kinds of corporations. They were originally founded on charters granted for trading and business purposes, and they had substantially the same form of government. Our ancestors in the old country were not a city-dwelling people. When William of Orange crossed the narrow waters and became King of England there was only one city in England with over 30,000 inhabitants, and only five with over 10,000 inhabitants.

When our ancestors came to this country they brought with them their English ideas. They were not a city-dwelling people. In 1790 only 3.4 per cent of the people of this country lived in cities having a population of 8,000 or over; at the time of the Revolutionary War there were only about a dozen cities in the entire colonies that had charters of any kind. While there was considerable variety in the form of the early charters of American cities, they tended to conform more or less closely to the original simple English charter.

"But the growth of cities in this country has been going on continuously, and by 1850 over 12 per cent of our population was living in cities of 8,000 or over. The question of city charters assumed importance, and, most unfortunately for us, it became a live issue during the time of the ascend-

ency of the Democracy under Andrew Jackson. We owe to that fact a long train of evils in our government, from which we are just beginning to recover.

"The difference between the old Federal party, which has been succeeded by the Republican party, and the Democracy as established by Thomas Jefferson, is this: The Federal party stood for and applied to American government the principles, laws, and customs which they had learned in England. The Democracy wished to modify these principles, laws, and customs along the lines of the teachings of Rousseau and other French writers of the period of the Revolution. These French writers had lived through an age of terrible tyranny, in which the government was the enemy of the people. They had had no experience in free institutions, and they formed their ideas of free institutions by thinking them outside of their own heads.

"They taught the doctrine that in order to prevent the governing power from oppressing the people, it was necessary to divide it into very small sections, so that no one man would have enough power to make him dangerous; that all public officers should be elected by the people, so that every public employee would be directly answerable to the people; to construct, in other words, a form of government in which a multitude of petty officials should take the place of a few responsible officials.

"Unfortunately for American cities, these ideas were impressed upon their charters about the time

they began to grow rapidly during the administration of Andrew Jackson and the years following.

"The result has been, as students of history and government generally realize, the reverse of what the theory-makers expected. We have made the offices so inconsiderable that they have neither dignity, honor, nor responsibility. They have been contemned by the better class of citizens; they have fallen naturally into the hands of men utterly incompetent for the positions, and, being bodies which could not work, they have been seized in almost every case in American cities by an unofficial commission, or, as in many instances, into the hands of a single commissioner or boss, which has run the council and the city without any responsibility to anybody."

"We have split our cities up into a multiplicity of small wards and made councilmanic procedure a mere business of trading between wards for legislation. We have enabled little groups of heelers to scheme for the control of a ward, and, having got an organization within their ward, they have been able utterly to disregard public opinion and the interests of the city as a whole."

The natural cure for these evils suggests itself at once, declares Mr. Wallace, "To cut out the strange growth engrafted upon our institutions by the French doctors and return to the healthy and simple principles of city government fundamental in English law. We are now electing such a multiplicity of officers that it takes a Philadelphia lawyer to know all the things that a citizen has to do in order to perform

his duties of citizenship. The average citizen cannot meet these obligations, and the result is these duties of citizenship have been turned over to organizations called parties. The parties in turn have fallen into the hands of little groups of men, known as 'workers.' The result is that everybody is worked."

So little do we profit by the teachings of history that few people thought of curing the failures of our city government by going back to first principles until Galveston, by accident, stumbled upon this plan and was hailed as the inventor of a new thing.<sup>1</sup>

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<sup>1</sup> For a further consideration of the development of political thought and action leading to the modern formulation of the commission government idea, see Chapters IV and V, by Prof. William B. Munro and Oswald Ryan.

## CHAPTER III

### FUNDAMENTAL PRINCIPLES INVOLVED IN COMMISSION GOVERNMENT

SIMPLICITY may very properly be regarded as the cornerstone of the commission form of municipal government. A concise, easily understood frame of government takes the place of a complicated one, or, what is worse still, a long series of conflicting, overlapping, often antiquated and usually complex, acts of assembly. The Des Moines charter covers twenty-three small pamphlet pages and contains about 9,100 words. Contrast this with ponderous tomes containing some so-called charters. The citizen of Des Moines can sit down and read his charter through at a single sitting. He does not have to consult a lawyer to interpret the meaning of its provisions. Ordinary intelligence will suffice for their understanding.

This contrast between simplicity and complexity is effectively illustrated by two cuts which appeared in *The Toronto World*.<sup>1</sup>

These charts show more graphically than words the present system of Toronto's city government and

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<sup>1</sup> October 9, 1910.

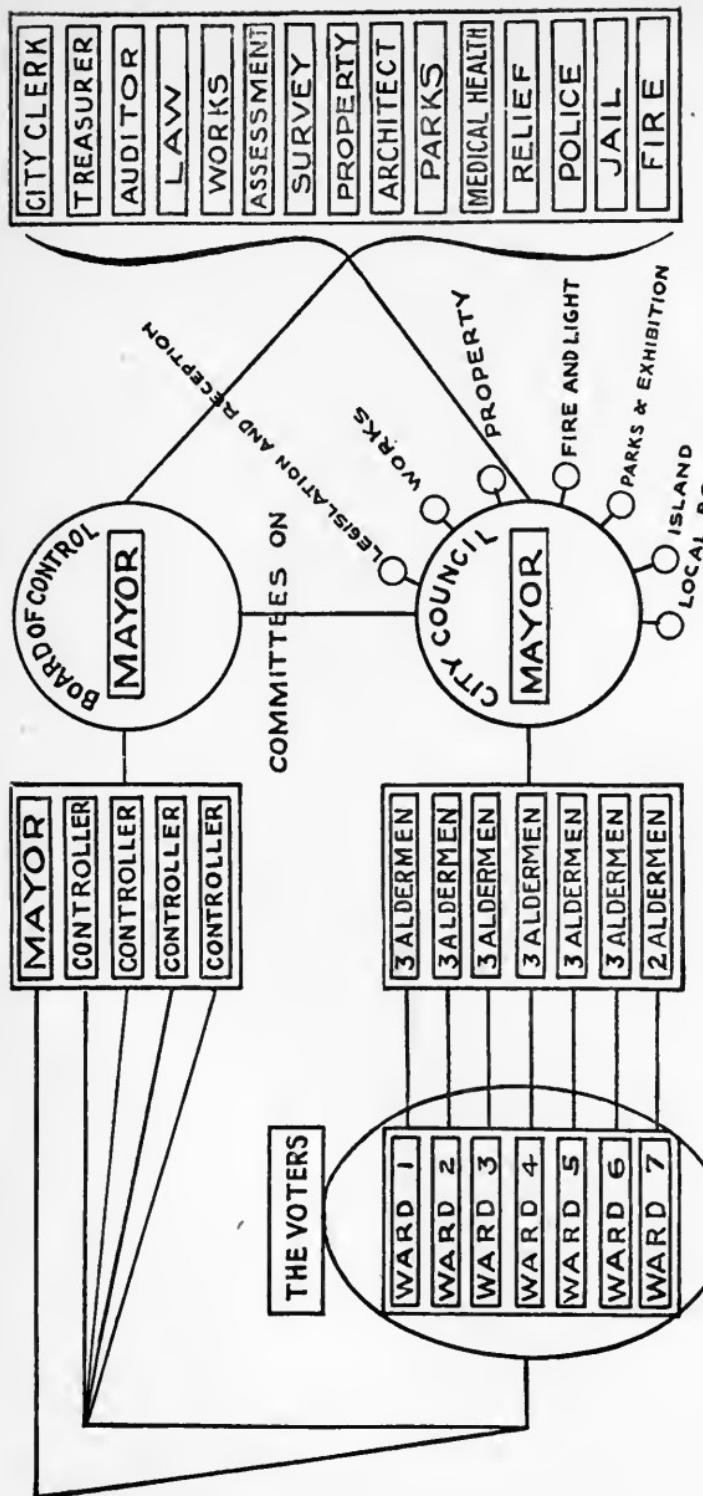
as that city would be under the proposed commission plan. They exhibit in a striking way the contrast between the divided responsibility and illogical character of Toronto's government as it is and the individual responsibility and simple and consistent structure of government by commission.

. Our municipal government has been far too elaborate and complex. "In the first place," says Dr. C. W. Eliot, "the structure of the city government in this country was a most unfortunate one. It was copied early in the nineteenth century from the structure of the national government, and, therefore, had its upper house—the aldermen; its lower house—the common council; its executive—the mayor. Now, city business is almost wholly administrative or executive, and is very little concerned with large policies or far-reaching legislation. There is no occasion for two legislative bodies, or even one, in the government of a city. Modern cities have to provide and maintain schools, roads and bridges, sewers, a water supply, a fire department, courts, police, and street lights, and to take care of the numerous helpless and defective members of the community. On all these subjects there is no doubt whatever as to what the people need, and the proper supply of their needs is a matter of purely administrative business. . . . The conditions under which the municipal business is now conducted are so different from those which existed when the American form of city government was set up, that one might reasonably expect a form not wholly impracticable sixty years or eighty years ago to have

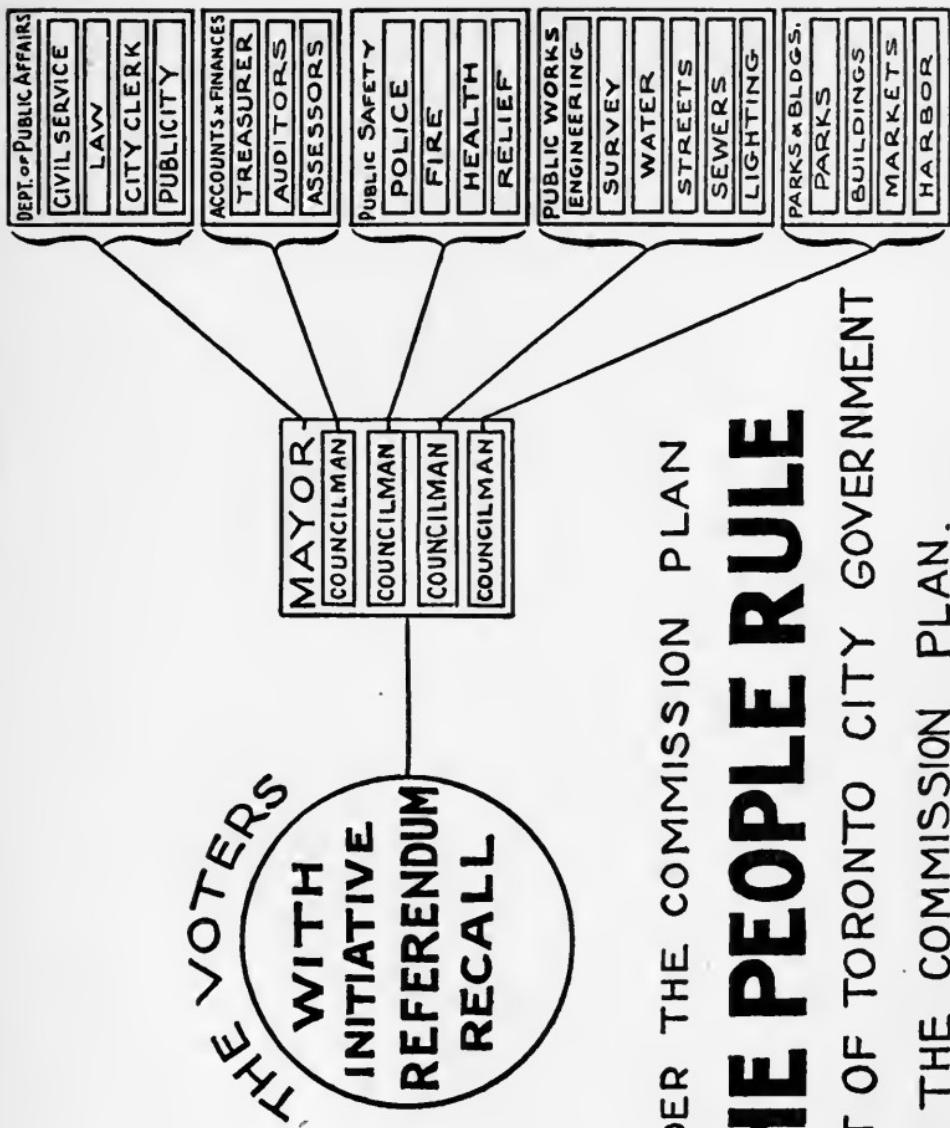
# THE PEOPLE DONOT RULE

CHART OF TORONTO CITY GOVERNMENT 1910

UNDER THE PRESENT SYSTEM







UNDER THE COMMISSION PLAN  
**THE PEOPLE RULE**  
 CHART OF TORONTO CITY GOVERNMENT  
 ON THE COMMISSION PLAN.



become absolutely unsuitable, or even impossible, to-day.”<sup>1</sup>

In the next place, Dr. Eliot might with propriety have pointed out that the whole scheme of our government, national, state, and city, was based on the principle of checks and balances rather than direct responsibility and responsiveness. The American people were not long in finding a way to enforce responsibility—through political parties and their leaders. The results, however, were not particularly fortunate, for the price exacted was too high and too disastrous. It resulted in placing party loyalty above community loyalty. It presented temptations to abuse greater than the party, or its leader or boss, could resist. It substituted party responsibility for individual responsibility, and democracy suffered. But really it was working out its own ends, in a way that all great fundamental movements have, and the demand for simple methods of government is a result of the growing demand of the people that they be permitted to rule directly through their directly chosen representatives rather than through a party or group of party leaders.

Moreover, as Dr. Rowe, in his “Problems of City Government,” has shown, “The formative period in the development of our American cities was dominated by an essentially negative view of government. During the eighteenth and the greater part of the nineteenth century, American political thought was con-

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<sup>1</sup> Charles W. Eliot, “City Government by Fewer Men,” in *The World’s Work*, October, 1907.

cerned primarily, in fact, almost exclusively, with the protection of individual rights. A minimum of government and a maximum of individual liberty represented the primary standards of political thought and action." A system of checks and balances was almost an essential for the maintenance of a government founded on such ideal and for such ends. As Professor Rowe declares, however, "Viewed in the perspective of the last hundred years, the contrast between the conditions out of which our ideas of local government developed and the circumstances which now confront us is fraught with lessons which we cannot afford to ignore if we hope to build up vigorous, local institutions. The menace to individual liberty from the tyranny of government is no longer a real one. . . . On the other hand, the concentration of population and the growth of great industrial centers have brought into the foreground a mass of new problems which the community is compelled to face." Many of these problems come directly within the legitimate sphere of government, but so strong has been the hold of eighteenth-century political ideas that in most of our cities we have had to depend upon private effort for their solution.<sup>1</sup>

A system carefully built up to foster and protect these ideas is being replaced. The division of power, designed to serve as a check and balance, but forming as time went on a hindrance and obstruction, is giving way to government by a single board. In place of a

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<sup>1</sup> Pages 195, 196.

city government composed of a mayor, a city council—of possibly two chambers made up from ten to thirty aldermen from as many wards and divided into as many committees, numerous elected officials—city clerk, city attorney, treasurer, auditor, comptroller, innumerable boards and commissions—public works, health, parks, board of police, and fire commissioners, board of estimates, library board, sinking fund commission, as well as a city engineer, marshal, commissioner of streets, superintendent of the poor, and a score or more other subordinate appointive or elective officials, all independent and jealous of each other, with overlapping jurisdiction and conflicting authority—in place of this “complicated, friction-bearing, red-tape-wrapped system,” is substituted government by a single board. The entire administration of the city government is placed in the hands of a single board composed, as a rule, of three or five, and so far never more than nine, well-known men.

These men are responsible for all branches of the administration. They meet in conference on city affairs daily, or at any time a matter of public or administrative importance should be decided. All questions are simply and finally settled by a majority vote of the board. The heads of all departments, all city officials, and employees of the city are directly responsible to them, and immediately under their supervision and control. It is a simple, direct, businesslike way of administering the business affairs of the city, easy to understand, easy to operate—an application to city administration of that type of business organization

which has been so common and so successful in the field of commerce and industry.<sup>1</sup>

Simplicity and directness beget efficiency in the hands of competent men. Mayor H. B. Rice, of the Houston Commission, one of the oldest commissioners in point of service, having been inaugurated in 1905,<sup>2</sup> in an address a few years since,<sup>3</sup> showed how a simple form of government worked out in practice:

"Here is one of, if not the strongest points in the commission government. In the city of Houston, with a majority of the aldermen always in session, business of the people can be, and is, attended to at a moment's notice. To show the practical application of this system, there is really no need of petition to the city council at their regular weekly meetings. Any citizen, or citizens, who want a street paved, taxes adjusted, nuisances abated, etc., have only to call at the mayor's office and have his or their matters promptly adjusted. After a patient hearing, the matter is decided by the council in presence of the applicant. . . .

"To demonstrate, I will cite an incident that happened several months ago. A gentleman, a non-resident of Houston, whose home was in a Western state, owned some property in our city, and the property had been recently taken into the city limits. Investigating his assessment, he found that his property had been placed at a much higher valuation than that

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<sup>1</sup> See *Bulletin of the University Extension Bureau*, University of Wisconsin.

<sup>2</sup> Mayor Rice was renominated, March, 1911.

<sup>3</sup> At Charlotte, N. C., November 18, 1908.

of his neighbors. Being a stranger, he called upon one of Houston's leading attorneys and asked his advice how to proceed for relief. The attorney suggested that they step over to the mayor's office and have the matter corrected. The owner of the land thought it would be wiser for the lawyer to get some of his friends to sign a petition to the council, so that it would have some weight with the authorities. The attorney replied that this mode of procedure was entirely unnecessary, as Houston now had a business government. They called at my office, stated their mission. I sent for the tax collector, and in an hour the stranger had his matter adjusted and his tax receipt in his pocket."

Such a result would not be possible under the complicated system of checks and balances based on a more or less, and usually less, accurately determined division of powers. The commission form of municipal government tends, if properly administered, to eliminate the middleman, whether the lawyer, the lobbyist, or the professional politician, who, under the old order, and still in the large number of places, is a necessity. We have the middleman of these several classes now because we need at hand some one who "knows the ropes," some one who knows how to unravel the red tape and the complications in the interest of getting things done.

Direct and easy nomination and election of candidates constitute another and important phase of the simplicity of the new system.

In place of a complicated machinery of party nom-

inations which only the skilled mechanic, the professional politician, as he is called in this connection, really knows how to manipulate, the commission government provides for the simplest form of direct nominations. In Des Moines, for example, two elections are held. At the preliminary one, or primary, any duly qualified elector can become a candidate for the nomination for mayor or councilman through filing a petition containing the signatures of twenty-five qualified electors. The names of the two candidates for mayor receiving the highest number of votes go to final official ballot and the names of the eight candidates for commissioner receiving the highest votes go on the final official ballot.

In the 1910 election in Des Moines there were twenty-four candidates for the two sets of offices, and 12,500 were cast at the first or primary election. The result was as follows:

#### FOR MAYOR

Hanna.....	3,143*
Mathis.....	4,879

#### FOR COUNCILMEN

Ash.....	6,870
Brereton.....	5,090
Brigham.....	3,338
Hamery.....	3,736
MacVicar.....	6,716
Needham.....	3,554
Roe.....	6,346
Schramm.....	4,582

\* Elected.

At the second, or final, election, the candidates receiving majority votes are elected. In the Des Moines election in question the voting resulted as follows:<sup>1</sup>

**FOR MAYOR**

Hanna.....	7,525*
Mathis.....	7,509

**FOR COUNCILMEN**

Ash.....	8,829*
Brereton.....	5,429
Brigham.....	4,284
Hamery.....	5,947
MacVicar.....	9,006*
Needham.....	5,976
Roe.....	8,167*
Schramm.....	7,371*

\* Elected.

Berkeley, California, has in its charter devised a scheme of elections similar to the French system of double elections. It provides that all nominations to elective offices shall be made by petition only, by filing with the city clerk twenty-five certificates of nomination, each signed by one voter for each office to be filled. There is no limit to the number of candidates for any given office. If, at the regular election, any office is not filled by a majority vote, then a second election must be held three weeks later. At the first election the candidate receiving the highest number of votes

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<sup>1</sup> For the details of the Des Moines plan, see the Des Moines Charter, and the chapter on Tests of the Double Election Plan in John J. Hamilton's "Dethronement of the City Boss."

for the several offices in question shall be deemed elected, provided that number is "greater than one half the number of ballots cast at such election." In case of any nonelections, then, so far as unfilled offices are concerned, the regular election becomes a primary, and the two candidates who received the highest number of votes (or three in case of a tie) become the nominees to be voted for at the second election.

At the first election (May 1, 1909) under the new charter, there were four candidates for mayor, four for auditor, twenty-nine for councilmen, and four school directors to be elected. The large number of candidates produced some confusion in the minds of the voters at first; but it was soon seen that most of them were negligible and could be easily eliminated. In the words of a local observer: "There were ten candidates for councilmen and ten for school directors that were to be taken seriously. This has been the first occasion in years when there was any incentive to go to the polls at a local election, the first time there was any real choice to be made; and this was the first time, too, that there were candidates worth voting for. Very satisfactory candidates had been brought out by the non-partisan nomination. The first election was most interesting, about 70 per cent of the entitled voters participating."

A very strong fight was put up by the old regime to retain control, and a popular political leader was nominated for mayor—a strong vote-getter; but the "Good Government" people were well organized and

did not allow themselves to be deluded. At the last moment a partisan call to stand by the theretofore dominant party as against any non-partisan ticket, a cry that had always worked successfully under old methods of nomination, was made, but the result of the election was a decided victory for the "Good Government" forces, its candidate for mayor receiving a clear majority over all other candidates, as did its candidate for auditor, and they were accordingly declared elected. Among the highest eight candidates for councilmen, the first four were "Good Government" candidates; and it is doubtful whether more than one of the remaining three could be called political candidates in the ordinary acceptation of the term. At the second election, the "Good Government" forces were again completely successful.

Colorado Springs, which adopted the main ideas of the commission form of government, followed Berkeley's lead in substituting second elections for direct primaries. All the councilmen were elected at the first election; but it required a second election to determine the choice for mayor.

Grand Junction adopted a charter, the declared intent and purpose of which is "to establish a free and independent city, and to restore to and vest in the people of the city, so far as the constitution of the state will permit, their natural, inherent, and inalienable right of local self-government, with all its powers, duties, and responsibilities." The charter provided for the preferential system of voting at popular elections. In place of the Berkeley-Colorado Springs plan,

the Grand Junction charter provides for a complete unification of primaries and elections at each election, and for the choice of candidates in proportion to the number of their respective supporters. In the words of the official summary, "the preferential system of voting has been established in lieu of direct primaries or of second elections, thus securing a unique and accurate expression of the public will at the polls with the minimum of cost and effort." The innovation is a form of proportional representation now widely used in Australia. So far as I am informed, it has never been adopted in the United States, except possibly in a modified way in the State of Idaho.

The practical working out of the Grand Junction preferential system was shown at the election held November 2, 1909:

Total number of ballots cast.....	1,847
Necessary to a choice.....	924

#### RESULT OF THE VOTES FOR MAYOR

	1st Choice	2d Choice	Additional Choice	Combined 1sts and 2ds	Combined 1sts, 2ds, add'l's
D. W. Aupperle.....	465	143	145	608	753
*W. H. Bannister.....	603	93	43	696	739
N. A. Lough..... (Out on second.)	99	231	328	330	(658)
*E. B. Lutes..... (Out on first.)	41	114	88	(155)	(243)
E. M. Slocomb.....	229	357	326	586	912
Thomas H. Todd..... (Elected.)	362	293	396	655	1,051
	1,799	1,231	1,326		

The starred men were the anticharter and minority candidates; the others the procharter and majority candidates. There being no majority in first choices, the low man, Lutes, was dropped, and firsts and seconds were added together. Then the leading candidate, provided he had a majority, would have won. There being no majority by combined firsts and seconds, the low man, Lough, was dropped, and first, second, and additional choices were added together, and Todd, the candidate then leading, won. Under the usual system, the minority would have beaten the majority and elected Bannister. Prof. Lewis J. Johnson, in his pamphlet describing his proposed charter for the city of Cambridge, Mass., which contains a provision for preferential voting, points out that under the Berkeley system a second election would have been held to determine between Aupperle and Bannister, neither of whom had a majority of all the votes behind them.

Another phase of the simplicity of the commission form of city government is what has come to be popularly known as the "Short Ballot." As Richard W. Montague, in his argument for the adoption of the commission form in Portland, Ore., forcefully declared: "Experience has shown that it is utterly hopeless to look for good results *when officials are elected by platoons*, and especially is this true in a large city, where so very many excellent citizens are entirely unknown to one another. And when the office is one (like that of councilman) which has fallen into a certain disrepute, so that high-minded men are not eager

for it, and it brings no reputation and little pay, the result is that there is simply no selection made by the people at all, but the office goes to the self-seeker, except where the outcome is tempered by luck or by some person (like our sometime fellow-citizen, Larry Sullivan) presuming a little too far on the public indifference.

"Put the question to yourself. You know who is the present mayor, and the last one; like enough you know who are the candidates for the next mayor. But do you know who were the members of the last council? Of the present council? Do you even know who are the retiring members of the present council, or the candidates for their places? I trow not. Nobody knows, offhand, anyway, and it would not be a sinful exaggeration to say that nobody cares much, except the industrious gentlemen who are hunting the jobs. Under the proposed charter for Portland, at each election after the first there will be only three councilmen and a mayor to elect. Under the Des Moines plan of eliminating the multitude of candidates at the primaries, there will be at the election only two candidates for each place to select from. The most indifferent of citizens ought to be able to exert himself that far. The power and responsibilities which are now diffused among the mayor, fifteen councilmen, ten members of the executive board, and four members of the water board in this city will be concentrated in a small and compact body of seven members, which can never deny the power nor shirk the responsibility. There will be no room for doubt nor question who is

to blame for doing or not doing anything. It will be the council. There will be no ground for recrimination about delays or debates about which body has the power. There will be no shuffling of work back and forth from one body to another, with the attendant delays and fallings by the wayside. Authority is lodged in one place. The unfit and the unfaithful will inevitably find their every act exposed in the pitiless light of publicity. Their deeds will be all known and accounted for. On the other hand, a group of capable and faithful men could win a notable reputation and perform for the city a priceless service."

As defined by the Short Ballot Organization, the dangerously great power of politicians in our country is not due to any peculiar civic indifference of the people, but rests on the fact that we are living under a form of democracy that is so unworkable as to constitute in practice a pseudo-democracy. It is unworkable because

First—It submits to popular election offices which are too unimportant to attract (or deserve) public attention, and,

Second—It submits to popular election so many offices at one time that many of them are inevitably crowded out from proper public attention, and,

Third—It submits to popular election so many offices at one time that the business of making up the elaborate tickets necessary at every election makes the political machine an indispensable instrument in electoral action.

Many officials, therefore, are elected without ade-

quate public scrutiny, and owe their selection not to the people, but to the makers of the party ticket, who thus acquire an influence that is capable of great abuse.

The Short Ballot principle is—

First—That only those offices should be elective which are important enough to attract (and deserve) public examination.

Second—That very few offices should be filled by election at one time, so as to permit adequate and unconfused public examination of the candidates.

Obedience to these fundamental principles explains the comparative success of democratic government in the cities of Great Britain and other foreign democracies, as well as in Galveston, Des Moines, and other American cities that are governed by “commissions.”<sup>1</sup>

In commenting on these principles which must be regarded as fundamental, the University of Wisconsin leaflet, already referred to, says that it is vital that candidates for public office must be conspicuous. The people must know the candidates, or they can never be in actual control of the situation, but simply go through the motions of controlling. The small offices must go off the ballot and either be appointed, or they must be increased in real public importance, by added powers, until they rise into such eminence as to be visible to all the people. “Governmental power should be concentrated in the hands of a very few men, who would be so conspicuous that no citizen could help knowing all about them, and the elections

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<sup>1</sup> See the publications of the Short Ballot Organization (383 Fourth Avenue, New York).

should not come frequently," says Theodore Roosevelt.

City government by commission will undoubtedly facilitate the election of a higher type of men, for American municipal experience plainly demonstrates that small bodies with large powers attract a better class of men than large bodies with small powers. This is generally conceded alike by students and practical politicians. Men are willing to assume responsibility, provided they are given a free hand and may hope to receive the merit which service well performed is due. Under the commission plan, each commissioner has a large measure of power and responsibility. He feels that he has all the means necessary to the execution of his trust. This has not been the case under the common council system. Councilmen and aldermen, as a rule, have been men of small capacity. Lists of councilmen and aldermen in American cities have been published which show most of them to have little or no property and no describable means of support. In other words, they have been persons who have given no evidence of a capacity to successfully administer the affairs of a great city, and, moreover, experience has shown them, for these very reasons, to be peculiarly susceptible to corrupt and debasing influences.

On the other hand, "if it be clearly understood," says President Eliot, "that successful men of proved capacity are needed <sup>1</sup> and wanted for the city's service,

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<sup>1</sup> "City Government by Fewer Men," in *The World's Work*, October, 1907.

able men will be attracted to the service just because the standard of the service is set high. There are always plenty of good candidates for offices with which go power, responsibility, and public consideration. To an office which requires for the proper discharge of its duties a high degree of intelligence and public spirit, public-spirited men, young and old, will aspire. Elderly men who have already succeeded in their business and become pecuniarily independent will take office because they find in public duties a new interest and a new incentive to exertion. Younger men of high capacity will take office, because they believe that in public office they will have an opportunity to show to advantage what their quality is, and that this demonstration will be useful to them in other large affairs, either public or private. That aldermen and common councilmen have fallen into contempt is a grave misfortune; for that very fact makes it extremely difficult to recruit those bodies with desirable citizens, except, indeed, in an occasional and spasmodic way. Large school committees, which were until lately the rule in American cities, fell into disrepute because election to them came to be considered a first step for aspiring politicians. . . . Wherever an office is aggrandized, the man of capacity who really fills the office will set a new standard of efficient work for the office; hence the economy of consolidations in financial, manufacturing, and transportation enterprises. The enlarging of units of organization is a world-wide tendency in all sorts of business; so that the instances here suggested in municipal government

are only another group of instances in a stream of tendencies. Larger functions in fewer hands will command the services of better men—of men honest, efficient, and public-spirited.”

## CHAPTER IV

### THE GALVESTON PLAN<sup>1</sup>

THE recent growth in popularity of the commission system of city government is no doubt the offspring of a more or less widespread dissatisfaction with the complexity of contemporary American municipal administration. Paradoxical as it may seem, however, this curious system, which students of comparative politics know as the "American type" of city government, with its division of powers, its diffusion of responsibility, and its bewildering mechanism of checks and balances, has evolved logically from the crude framework of local government applied to the colonial boroughs by the British authorities. This system, consisting of a mayor and a small council, the former with no special executive functions, no veto power, and no right of making appointments to office, has been maintained by the English cities down to the present day; and to its very simplicity much of the efficiency which characterizes British municipal administration must, without doubt, be attributed.

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<sup>1</sup> This chapter is the paper on "The Galveston Plan of City Government," read at the Providence meeting of the National Municipal League (1907) by William Bennett Munro, Ph.D., Assistant Professor of Government in Harvard University.

After the American Revolution, however, and especially after the adoption of the federal Constitution, the system of municipal government, as transplanted to this side of the Atlantic, underwent a gradual but very important change; for the influence of the "federal analogy" dominated decisively the course of organic development in all the areas of local administration. A study of the civic charters granted at or about the beginning of the nineteenth century will, in almost every case, disclose the desire of municipalities to copy at every point the complex mechanism of the federal government. The mayor had come to be an independent executive officer, with a power of veto over local legislation, with the right of appointment subject to confirmation, and with a variety of other administrative prerogatives which the lapse of a century has greatly augmented. The municipal council has likewise become bicameral, apparently for no good reason save that the demands of analogy had seemed so to dictate. In short, it seems to have been assumed that a framework of government devised to reconcile the jarring interests of a dozen independent states would bear reproduction in miniature, and would prove efficient in application to comparatively small urban units of a thoroughly homogeneous character. For three quarters of a century the cities of the United States have expended much political energy in attempting to patch an administrative garment which was not devised with an eye to their direct requirements. It may be doubted whether they have succeeded in doing more than to make the misfit more pro-

nounced. They have been weighted down with an administrative organization which has sacrificed the highly essential qualities of efficiency and promptness in action to a blind adherence to the principle of "division of powers," heedless of the fact that the proper governance of a municipality makes no urgent demands whatever for any strict recognition of this principle. Steering wide of centralization of powers they have, however, floundered into the slough of a hopelessly divided jurisdiction, with its unfortunate accompaniment of diffused responsibility.

A logical result of all this has been a reaction against the very cumbrousness of municipal machinery—a reaction which has manifested itself in some cities by the abolition of bicameral councils and the substitution of single elective bodies. In other cases the dominant influence in civic administration has been transferred to the mayor, the local legislative authority being thus shorn of nearly all its jurisdiction. Even more frequently the delicate adjustment of powers has been ruthlessly disturbed by the direct intervention of state authorities and the assumption of purely municipal functions by state boards. This movement toward definiteness in the location of responsibility has proceeded slowly, but none the less effectively, during the last quarter of a century, as may be readily seen by anyone who chooses to study the history of municipal organization in cities like Boston or New York. The system of "government by commission" must, therefore, be regarded, not as a new experiment successfully conducted by a few

scattered cities, but as the climax of a well-defined movement, from the influence of which hardly a single large city in the country has been entirely exempt.

Galveston, as is well known, was the first American city to give the system of "government by commission" a trial. The Texan city, having been called upon to pass through the dark waters of affliction, found itself, in 1900, face to face with practical bankruptcy. Under the old system of government by a mayor and sixteen aldermen, the finances of the municipality had been badly mismanaged and the authorities had fallen into the disastrous practice of bonding the city to provide for annual deficits. In less than twenty years nearly three millions of debt had been accumulated in this way alone. The enormous new demands upon the civic treasury presented by the calamity in 1900 brought matters to such a crisis that the Texan Legislature found itself called upon by the business men of Galveston to take heroic measures for dealing with the financial problem. The old municipal framework was abolished root and branch, and by a new charter, granted in 1901, the administration of the city was intrusted to five commissioners, three of whom were to be appointed by the governor and two elected by the citizens of Galveston. Before long, however, the constitutionality of the charter was called into question, and the Supreme Court of Texas decided that certain functions which the commissioners had been authorized to assume could not be exercised except by elective officers. In March, 1903, therefore, the Legislature was appealed to for an

amendment to the charter making all the commissioners elective, and the five original commissioners were forthwith indorsed by the voters at the polls. The Galveston charter, as amended in 1903, provides for the popular election, every two years, of five commissioners, one of whom is given the title of mayor-president. All are elected at large. The mayor-president is presiding officer of the commission, but otherwise has no special powers. By a majority vote of the five commissioners all municipal ordinances are passed, and all appropriations are voted, the mayor-president having no right to veto either absolute or qualified. The commissioners likewise, by majority vote, apportion among themselves the headships of the four main departments of civic administration, namely, finance and revenue, waterworks and sewerage, police and fire protection, and streets and public property; the mayor-president having no special department, but exercising a general coördinating influence over all. A single commissioner is, therefore, immediately responsible for the administration of each department. The commission as a whole draws up and passes the annual budget, awards all contracts, and makes all important appointments. Minor appointments are made by the individual commissioners, each in his own special department. There is throughout a complete centralization of all powers, legislative and administrative, and a very definite location of all responsibility.

No one who has made any impartial attempt to follow the work of the Galveston commission during the last six years will venture to gainsay its very strik-

ing success. The financial condition of the city has been most decidedly improved; all the municipal services have been brought to a much higher point of efficiency; a better grade of citizens has been found willing to seek and to accept civic office; and the general tone of municipal administration has been very noticeably raised. The commissioners present, in their reports, such a convincing array of facts that it would be idle to question the success of the new regime. This success has been attributable in general to three or four canons of policy, from which the commissioners have not swerved during the last five years, and which may be summed up as (1) the use of approved business methods in civic financing; (2) the entire elimination of all leakages in expenditures; (3) the making of all appointments on the basis of individual efficiency; and (4) the strict accountability of each commissioner for the ongoing of his own department. All the improvements of the last half decade in the Texan city can be attributed, substantially, to the fact that the new system of government has rendered strict adherence to these fundamental rules of sound municipal administration possible and even imperative.<sup>1</sup>

It is not necessary to speak in any detail of specific advances made in municipal administration by Galveston under the system of government by commission. It is enough that these were readily noted by neighboring Texan cities, and that the latter soon be-

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<sup>1</sup> See also Chapter XX.

stirred themselves to the task of inaugurating a similar framework of administration.

Despite a general impression that the commission system of local administration is a novelty in American government, the principle involved is by no means new in the United States. It is in almost no important respect different from the New England system of town government by a board of selectmen, who, with their chairman, assume and concentrate in themselves all administrative and legislative functions from one annual election until the next. There are many New England "towns," with populations quite large enough to entitle them to rank as cities, which have, for more than a century, maintained what is to all intents and purposes a system of government by commission. Their selectmen, who are chosen by the people at large, represent in their jurisdiction a complete fusion of local power and responsibility. In every state of the Union, moreover (with the exception of Louisiana and Rhode Island), county administration has been vested almost wholly in the hands of an elective commission. The use of the term "commission" has misled many into overlooking a system with which they have been long familiar under a different designation. American cities have had occasion, no doubt, to become familiar with "commissions," but with commissions of a very different sort.

No aspect of the general problem of municipal reform has received more attention in the press and on the platform during the last year than the merits and

defects of the commission plan. In the main, however, these discussions have dwelt largely upon the advantages of the system, many of which are almost too obvious to require emphasis. The defects, on the other hand, do not appear on the surface so plainly, though a closer examination will disclose that the system of government by commission, if generally applied to American cities under present conditions, would in all probability encounter important objections which no real friend of permanent municipal reform ought to treat lightly. Some of these relative merits and defects may be briefly noticed, so far as it may be accounted safe to generalize in the light of American municipal experience.

The cardinal advantage of the system is that it affords definite hope of putting an end to the intolerable decentralization of responsibility which now characterizes American civic administration. By concentrating powers and focusing public attention upon a narrow area it will render more effective the scrutiny which voters may apply to the conduct of men in public office. If the system does not guarantee efficient administration, it at least promises to disclose where the blame for inefficiency should be made to fall. It will undoubtedly facilitate the election of a higher type of men, for American municipal experience has plainly demonstrated that small bodies with large powers attract a better class of citizens than large bodies with restricted jurisdiction. The reduction in numbers of the school boards of St. Louis, Boston, and other large cities has served to show the truth

of this aphorism in conclusive fashion. Even though party organizations may continue to dictate the nomination of commissioners, as they now do that of councilmen, these organizations will no longer be placed under pressure to give representation to every sectional, racial, and religious interest at the cost of placing inferior men in candidacy. That government by commission will eliminate partisan candidatures is something scarcely to be hoped for; but there is good reason to believe that it would remove from party organizations much of the sinister pressure with which these have now to contend.

Again, it is well known that municipal corruption nowadays arises as frequently from the power of municipal authorities to thwart the meritorious plans of public-service corporations as from their power to forward reprehensible projects. If the present system of checks and balances puts a restriction upon the ill-considered granting away of privileges, it none the less puts a premium upon the withholding of rights which should, in the public interest, be granted without hesitation. It is extremely doubtful whether the chances of obtaining a municipal franchise at the present time in any large city are properly proportioned to the merits of an application therefor. A small commission would, indeed, simplify the task of dealing with civic franchises on a business basis, and, if there be any fear that the unchecked power of granting municipal franchises is a jurisdiction too momentous to be vested in the hands of a small body, provision may be made, as in the Des Moines charter,

for having the acts of the commission in this sphere subject to ratification by the voters.

Still again, as we are frequently reminded, the work of administering the affairs of a city is in every essential respect akin to that of conducting the affairs of a private business corporation. Now, the salient characteristic of sound corporate management is the centralization of powers in the hands of a small board of directors. What, we are asked, would be thought of a business corporation which intrusted the management of its interests to a bicameral board, made up of classes of members selected in different ways, representing different interests, possessing separate jurisdictions, and designed to embody a system of checks and balances? Why should the affairs of a municipality demand an administrative machinery so much more complex than that of the largest private corporation? There is danger, however, of pressing this point too far, for it must be remembered that the analogy between the work of the municipal and that of the private corporation is by no means perfect. The city, for example, enjoys many legal privileges and immunities which an ordinary business corporation does not possess. It is not legally responsible for the torts of its police officers, of the employees of its fire department, or for those of several other classes of its agents; whereas the private corporation is directly liable to be heavily mulcted for the negligence or inefficiency of those whom it takes into its service. Furthermore, in determining matters of policy, the authorities of a municipality must give weight to

many considerations of social well-being which the management of a private corporation may afford to neglect. It must be admitted, too, that administration by a board of directors is not necessarily synonymous with integrity and efficiency. One need not go far afield to find instances in which directors have been deficient in their knowledge of affairs immediately in their care, or in which they have personally profited at the expense of those interests which they were chosen to guard. Nevertheless, it may be said with truth that there is plenty of room for the infusion of "business principles" into civic administration, and the analogy, if not pushed too far, has much force.

The system of government by commission will serve to render municipal administration more prompt and more effective in action. In a multitude of counselors there may be wisdom, but there is also, almost inevitably, friction, delay, and intriguery. A system of division of powers is almost certain to counterbalance what it gains in security against hasty and arbitrary action by what it loses in inability to cope with problems which demand prompt, united, and uncompromising attention. In local administration, promptness and efficiency are imperative; and it may be properly urged that, in order to secure these essential qualities, a municipality is justified in weakening its organs of deliberation and in assuming a reasonable amount of risk that concentrated power will be abused.

There are, no doubt, many incidental advantages which cities may reasonably hope to secure from the introduction of the commission system, and to these

the experience of Galveston bears abundant testimony. Most of these, however, are relative to the existing conditions in particular cities, and may not, therefore, be dealt with in general terms.

To the casual student the defects of the commission system are, perhaps, not so apparent as the merits. They exist, nevertheless, and are of sufficient importance to demand careful and judicious consideration; for the cause of municipal reform may receive permanent injury through the open advocacy by its friends of any plan of administration which has not been adequately studied in the light of conditions which now exist or are likely to exist in American cities.

The most common objection urged in the public press and by the rank and file of municipal politicians is that the plan is un-American and undemocratic; that it involves a radical departure from American traditions of local self-government and proposes a step in the direction of municipal dictatorships. This objection is as easy to raise as it is difficult to support. The present framework of municipal administration, with its division of powers, is not a whit more traditionally "American" than is the New England town system of government by a board of selectmen with no division of powers whatever. That the system of administration by a small body of men tends to remove control "away from the people" is an assertion which the whole history of local government in the United States absolutely refutes. Indeed, it has been proven time and again that a single elective officer may, in

his official actions, more faithfully reflect public opinion than a large body of elected representatives. Much of the latent and unreasoning prejudice against the new plan springs, no doubt, from the popular association of the "commission" with the idea of state interference in municipal matters.

The observant De Tocqueville once remarked that local government is to national what the elementary school is to the university; that each in its respective sphere performs the work of preparation. Political education, it has been observed, consists in the exercise not only of the right to choose, but of the right to be chosen—in candidacy and in service—and under the present municipal regime such education is annually afforded to a large number of citizens. The plan of government by commission proposes greatly to reduce this number. It would cut down the list of elective officers to four or five, all other posts being filled by appointment presumably for long terms. This policy, it is objected, would tend to vest the work of civic administration permanently in the hands of a very few men, and might very well assist in the development, as in the German cities, of a professional city bureaucracy. The present multiplication of elective offices affords to a unique degree the opportunity for a large number of citizens to be brought into touch with local political affairs and to obtain such political education as this contact involves.

Again, objection is made that the system will serve to strengthen rather than to weaken the influence of the regular partisan organizations in civic affairs.

The concentration of power and patronage in the hands of a few commissioners would, it is claimed, make it seem imperative to the party leaders that the commission should be controlled; and the party energies, now spread over a wider area, would thus be concentrated at a single point. It is quite true that whenever the power and patronage of the mayor have been extended, the result has not been to diminish the force of partisanship in mayoralty elections; on the contrary, party leaders have been impelled to make more energetic campaigns and to perfect their organizations in order that they might control an office which had become the more valuable to them. Furthermore, the election of four or five commissioners by the voters at large would, in all probability, result in selections from the ranks of a single party; the dominant party could in most cases elect its whole slate, and the minority party would in consequence be wholly unrepresented. There might, no doubt, be frequent exceptions to this, but it would be the more usual outcome. On the other hand, a large council, the members of which are elected by small districts, will almost certainly contain representatives of the weaker political party. Much of the hopes placed upon the new system arise from the proposal that commissioners shall be elected at large; but it must not be forgotten that the plan of election at large is not without its counterbalancing defects.

It has, perhaps, been characteristic of the American voter that he is prone to lay too much stress upon the form of government and too little upon its per-

sonnel. He is not always quick to see that the more efficient administration of European cities results not at all from their superior framework of local government, but from the higher caliber of men who seek and obtain municipal office. Without a change of personnel, the substitution of government by commission for the existing system would assuredly avail but little. Indeed, a corrupt or an inefficient commission with wide powers would be much more capable of injuring the best interests of a city than an equally corrupt or inefficient set of administrative organs with powers and patronage decentralized; for the very complexity and cumbrousness of the present system serves in some degree to place an obstacle in the way of any widespread or consistent wrongdoing. The real question is, therefore, whether a better class of men would be attracted to a small commission than to a large council. To this the lesson of experience seems to give an affirmative reply. But it is a matter of probability rather than a matter of certainty.

Sponsors of the commission plan have sometimes urged that its adoption would insure administration by skilled experts, since appointments made by a small body would probably be dictated by reasons of merit and experience alone. It may be noted, however, that the vesting of the right of appointment in the hands of a small body, or even in the hands of a single officer, would not necessarily insure this result. There was a time in American cities when patronage was committed to the municipal council, and under this system partisan considerations almost exclusively influenced

the making of appointments to office. Municipal reformers insisted that this pernicious policy could be brought to an end only by transferring the appointing power to the mayor and by placing upon the mayor alone the full and entire responsibility. But, during the decade or more since this transfer has been made, it may well be doubted whether individual merit and capabilities have counted much more in determining appointments than they did in the days when the council possessed the patronage. Now it is proposed to vest the patronage once again with a body of men; but one may scarcely venture to hope that partisan considerations will lose much of their strength because of any such further transfer. Definite location of responsibility for civic appointments seems, as experience shows, to afford some assurance against gross inefficiency; it does not, apparently, afford a guarantee that the degree of efficiency will be very high.

An important feature of both the Galveston and the Des Moines plans of city government by commission is that the "appropriating" and "spending" authorities are fused. In other branches of American government it has been the policy to keep these two jurisdictions distinct and independent; and this has been true alike of national, state, and local administration. The legislative organs appropriate the funds, the administrative organs supervise their expenditure. In the New England system of town government the board of selectmen does not appropriate moneys for any purpose; this function is reserved to the annual "town meeting." The concentration of both powers

in the hands of a single small commission might, and probably would, serve the interests of integrity so long as men of the right caliber constituted the commission; but there are those who see in this fusion of jurisdictions a potential element of danger. It involves, at any rate, a radical departure from a principle which has hitherto characterized not alone American government, but the governmental systems of the leading European states as well. In the successful administration of German cities, for example, this separation of the appropriating from the spending departments has always been strongly emphasized.

It is sometimes urged that the general adoption of the system of government by commission would encourage state intervention in municipal affairs. In every large city there come up, year by year, many important questions which demand broad legislative action. Now, whether their policy has been wise or unwise in this direction, it is an undoubted fact that state authorities have been extremely loath to intrust broad legislative functions to small boards whose jurisdiction is mainly administrative. The association of well-considered legislative action with large bodies is deeply imbedded in the American mind and will not be easily eradicated. If large municipal councils are eliminated from the framework of city government, there would seem to be a danger that state legislatures would be tempted to assume for themselves some of the broader legislative functions which the councils have been accustomed to exercise. At

any rate, we know from experience that where the legislative powers of municipal councils have been curtailed their former powers have usually been assumed by the state legislature and have not been transferred to some other organ of local government. That there has been, on the whole, too much state interference in municipal affairs, most students of government are disposed to admit; this intervention has been on occasions salutary, but more often detrimental to the best interests of the cities concerned. It may properly be urged, therefore, that any step which promises to afford an incentive to greater inroads upon the principle of civic autonomy should not be taken hastily or without due consideration of its less immediate, but none the less important, consequences.

In weighing the respective merits and defects of the Galveston plan as these would probably work out were the system given general application, the burden of proof ought in fairness to be placed upon those who advocate the extension. A change in any department of American government which involves a transformation so complete of the whole framework of organization should not be readily adopted until it can be said to promise, with a reasonable degree of certainty, a very decisive improvement in civic administration. It must not be forgotten that the experiment of government by commission has as yet been adequately tried in Galveston alone, and that here the circumstances were distinctly unusual. A receivership may be the best means of getting a bankrupt business

corporation upon its financial feet, but it does not follow that all sound and solvent concerns should forthwith permanently adopt this method of administering their affairs.

On the other hand, as the present system of civic administration is too complicated, and too cursed with the curse of divided responsibility to prove reasonably efficient, any step in the direction of simplification should be welcomed by those who have the best interests of American cities at heart. Those who are prone to look askance at anything which involves concentration of power may be reminded that such is never dangerous when accompanied by an equal concentration of responsibility. Not a few American cities at the present time are, as everyone knows, controlled by small coteries of men—party managers—who dominate the official organs. These men are dangerous because they concentrate power without responsibility. The system of government by commission, if it would not eliminate the “bosses,” promises, at any rate, to compel them to work in the open.

Experiments with the Galveston plan in a number of cities differing in size and situated in different parts of the country, will serve to mark out more clearly the merits and defects of the system in action. Such experiments may be welcomed as paving the way for what may secure substantial improvement in civic administration; but no one who appreciates the difficulties of the problem will readily hope to find in this or in any other formal change a panacea for all municipal ills. The plan can be said to have established

a *prima facie* case; and it well deserves a sympathetic trial on a sufficiently broad scale to enable it to be fairly judged.<sup>1</sup>

<sup>1</sup> Professor Munro's conclusions of 1907 have been reinforced by experience, and this chapter is republished, four years later, with his sanction and approval and without a single alteration. The succeeding chapter is by one of his students, and was prepared three years later. While it traverses the same ground, and while it reflects Dr. Munro's influence, it is a valuable contribution in itself, and serves further to corroborate Professor Munro's conclusions out of the wider and more abundant experience which the past four years have afforded.—C. R. W.

## CHAPTER V

### COMMISSION GOVERNMENT DESCRIBED<sup>1</sup>

To appreciate the real significance in municipal affairs of the lately inaugurated movement toward city government by commission, some knowledge of the general trend of American municipal development is necessary; for it is as a phase of a general tendency and not as an isolated experiment, that the movement is to be properly regarded. Like most of our institutions, our city government, both in form and substance, was transplanted from England to the colonies, where it underwent the usual differentiation under the influence of changed conditions. This differentiation, however, did not proceed to any marked degree during the colonial period, and at the beginning of the national era the general form of municipal government, with the exception of the New England town-meeting system, was that of the English borough. Then began a new period, during which the influence of the federal and state governments dominated the organic development of the municipalities.

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<sup>1</sup> This chapter is the essay (somewhat abridged) which was awarded by the National Municipal League the Baldwin Prize for 1910. Its author is Oswald Ryan, of the Class of 1911, Harvard University.

That the “federal analogy” should have thus become the controlling factor in this development was due partly to a widespread belief in the efficacy of the governmental principles which it involved, and partly to a misconception of the functions of the municipality. A cardinal feature of the federal plan was Montesquieu’s principle of the separation of powers, having for its object to safeguard the interests of the people against the arbitrary and ill-advised acts of public officers. Another characteristic was the bicameral legislature composed of members representing geographical districts. By incorporating these principles in the municipal charters which the rapidly growing needs of the urban population brought into existence during the nineteenth century, the state legislatures sowed the seed of municipal inefficiency, which was destined to bear fruit in “the one conspicuous failure of the American people.”

The consequence of this senseless diffusion of powers among various boards and officials, which received its widest application during the last half of the nineteenth century, was to render almost impossible the prompt and efficient performance of municipal functions. The principle of “checks and balances,” intended as a curb on the arbitrary and ill-advised acts of public officials, became instead an obstacle to the wise and salutary measures of men who had at heart the best interests of the people. Moreover, since the concomitant of the division of power is division of responsibility, it became impossible to fix the blame for inefficiency and corruption,

which became ever present factors in city administration.

Scarcely less sinister in its results was the principle of the representative legislature. The belief in sectional representation was doubtless based upon the assumption that the different parts of a city possess different interests as different states sometimes possess diverse interests. Experience proved, however, that there was no such division of interests as was supposed, and the municipal council, instead of regarding the general interests of the city, came to represent the special interests of particular wards. A blind adherence to principles which had contributed to the success of a national government, besides opening the way to extravagance, wastefulness, and inefficiency, gave demagogic politicians an opportunity to exploit the public interests, and thus prepared the way for the spoils system in local government.

The logical result of this growth toward a cumbersome and complex system was the birth, in the closing decades of the last century, of a counter movement toward the centralization of administrative power and responsibility. The important powers which had been gradually taken from the municipal council and distributed among numerous boards and officials were now centered in the mayor, who became the most powerful member of the government. It is as another form of this tendency toward administrative centralization that the movement for city government by commission finds its proper place in the general municipal movement.

The first city to abandon the old form of government for the commission plan as it is commonly understood to-day was Galveston. The immediate cause of this radical change was the destructive tidal wave which swept over the city in 1900, destroying a large part of the population and property. The great calamity came as a kind of climax to a long period of wretched experience during which the city government had become so clogged with inefficiency and corruption as to reduce the administration to a deplorable state. At this juncture, when the city was facing bankruptcy, an organization of business men, who represented large property interests, undertook to ameliorate the conditions through an attempt to secure a new government. The idea of government by commission was then suggested and embodied in a new charter. Exactly twelve months after the flood, as a result of a vigorous campaign in which many of the most prominent citizens joined, the old government was replaced by the commission.

The basic idea of the new government was the centralization of all municipal powers in a board of five members, one of whom was given the title of mayor-president. That the very striking improvement which followed the establishment of this simple and efficient system should have attracted the attention of other cities which were suffering from the common municipal ills was natural, and within a few years several other Texas cities had received similar charters from the legislature. Interest in the new plan now spread to the northern states, where several

legislatures passed acts permitting cities, through a referendum vote, to adopt the new form of government. The plan has spread so rapidly within the last few years that almost every section of the country furnishes some example of its application.

It must not be thought, however, that the Galveston plan was adopted in its entirety by those cities which obtained commission charters. Indeed, the opinion generally prevailed that the Galveston plan was seriously defective in not having sufficient safeguards against the misuse of power by members of the commission, and it soon underwent a modification out of which evolved a new form, which is frequently called the "Des Moines," or "improved" plan. This modified form, although retaining the general characteristics of the Galveston government, includes certain additional devices for the purpose of affording the people a more complete control over the commission, and of insuring against the influence of partisan politics in municipal affairs. These devices take the form of the initiative, referendum, recall, and non-partisan choice of public officials. It should be noted, however, that this brief description is intended to indicate the fundamental features of the modified plan, and not to imply a uniformity of details, which does not exist.<sup>1</sup>

The division of administrative functions in those cities which have adopted the modified form varies in

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<sup>1</sup> For a comprehensive definition of commission government of cities designed to make allowances for these diversities, see Eliot's definition in Chapter I.

the different charters. As in the Galveston plan, the mayor is always the executive head of the administration, and, except in a very few instances, has no more power than the other members of the board. He is sometimes placed at the head of a department, but more frequently exerts a general supervisory power over the municipality as a whole, occupying a place somewhat similar in this respect to that of the German burgomaster. The departments of finance and revenue and police and fire are generally provided for in the various charters, and the remaining functions vary in their nature and distribution in the different cities. The general policy-determining powers, including the power of appointment and removal, are vested in the commission.

Commissioners are regularly elected at large by the qualified voters of the city for a term varying, in most cases, from two to four years. In some instances they are elected to specific departments, but the more common practice is for the commission as a whole to assign its members to the several departments. An interesting question, which may be noted here, has been raised with regard to whether the commissioners should be required to devote all or a part of their time to the work of their office. It has been held by some that a liberal compensation should be provided and the commissioner be required to devote all his time to the work of his office. Others have held that such a provision would discourage from entering the public service men who would be unwilling to give up their private business, and thus would

deprive the municipality of the services of a most competent class of men. The present trend of opinion seems to favor the provision requiring the commissioner to devote his entire time to the work of the city.

The initiative, referendum, and recall, which characterize the modified plan, further reflect the desire for more responsible officials. The Des Moines charter, which, because it has been widely copied, may be regarded as typical in this respect, provides that any proposed ordinance may be submitted to the council on a petition signed by twenty-five per cent of the voters, and, if requested in the petition, requires the council to pass the ordinance without alteration within twenty days, or, if requested in the petition, to submit it to the people for vote.<sup>1</sup> The voters then have the privilege of enacting the ordinance into law, and it may not be altered or repealed by the council until it has again been submitted to popular vote. The charter further provides that any ordinance may be suspended on petition signed by twenty-five per cent of the voters and presented within ten days after the passage of the ordinance, and makes it obligatory on the council either to repeal the offensive ordinance or submit it to a referendum vote. A referendum is required on all franchises. The recall may be brought into use by a petition signed by twenty-five per cent

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<sup>1</sup>If the petition is signed by not less than 10 per cent nor more than 25 per cent of the electors the council must pass the ordinance without change "or submit the same at the next general city election occurring not more than 30 days after the clerk's certificate of sufficiency is attached to said petition."—O. R.

of the voters; if the petition is found to be sufficient the council is required to call an election in which the offending official may be a candidate. A perplexing question has risen in many cities in connection with the per centum of votes required to bring the recall into operation, and a dissatisfaction is noticeable in more than one city with the per centum which has been fixed.<sup>1</sup> The general opinion seems to be that this provision should vary with the size and character of the population; thus it has been held that the twenty-five per centum is too small for a city of the size of Haverhill and too large for one of the size of Buffalo.

Enthusiastic supporters of the modified plan of commission government are accustomed to point to these provisions for direct legislation as its most important point of superiority over the Galveston system. Indeed, it must be admitted that the addition of this machinery to the original plan has had much to do with overcoming the objection that the commission system is undemocratic, and it is probable that it would never have received such wide adoption had it not been so altered as to place the governing body under closer popular control. And yet, though great dependence is placed on the initiative, referendum, and recall, the ultimate efficiency of these devices is by no means an established fact. It should not be forgotten that the principle of direct legislation, in the few cases where it has been applied in the United States, has not been an unqualified success. It may

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<sup>1</sup> For details, see Chapter VI.

easily be seen how the principle, if applied to an extreme degree and by an unintelligent electorate, might prove an unwise interference with the work of the commission. Nor is the cumbersome and expensive nature of the instrument to be disregarded in considering the advisability of its adoption in large cities. Indeed, it may be said with certainty that as long as the city electorates possess no higher sense of civic consciousness and intelligent interest than they have shown in the past, this method of direct legislation will not produce results commensurate with the expectation of its promoters.

Thus far the recall, with one exception, has not been brought into use in commission-governed cities, and it is, therefore, difficult to render judgment on the efficacy of this instrument.<sup>1</sup> Some persons have asserted that it will deprive the commissioners of their independence of action, and make them subservient to the popular clamor. Others have feared that it will put a weapon into the hands of corporations seeking public favors, who will use it to influence the commissioners. All that may be safely said of the recall as a part of the modified system is that its influence at present lies in its potentiality, and not in its actual use.

Another principle which is perhaps no less impor-

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<sup>1</sup> The two most important and significant uses of the recall have been in Los Angeles and Seattle, neither of which have a commission form of government, although both have charters which possess some of the fundamental features of it, notably the election of the councilmen at large and the short ballot.—C. R. W.

tant than that of direct legislation in the modified commission plan, is embodied in the nonpartisan choice of all officials and employees of the government. The methods which have been almost uniformly adopted to accomplish these objects are the nonpartisan primary and election and the civil service board. Here we find the charters varying in the extent to which they provide for the elimination of partisan politics in municipal affairs. The Haverhill government, for example, merely includes the nonpartisan ballot and civil service, while the Iowa law, on the other hand, goes further in prohibiting any person or candidate from accepting or giving money to a candidate for office to secure election or appointment; and provides for the punishment of any person who accepts money for services rendered to a candidate.

The civil service board is sometimes provided for in the charter and sometimes in the general laws of the state, in which case there may be a local board in each city or a single state board. The ordinary charter, like that of Des Moines, provides for a board of five members who are elected by the commission and have no other official connection with the government.

The principle of the merit system, thus embodied in the ordinary commission charter, is unquestionably essential to the well-being of the administrative service; the provisions prescribing the manner in which this principle shall be applied, however, are open to serious criticism and constitute an important defect in the commission charter. The charter ordinarily contains a

brief statement of the merit principle and leaves it to the commission to supplement this principle by establishing the scope and work of the civil service board. But this scheme is inconsistent with the fundamental principle of the commission plan, the centralization of official responsibility. If the civil service board failed to carry out the principle laid down in the charter the responsibility for this failure plainly would be divided between it and the commission; and this involves a situation which is supposed to find no place in the theory of the commission government. Moreover, the scheme places the civil service board too much in the power of the commission: the charter provides a civil service board as a check on the probable tendency of the commission to use the administrative offices as spoils, and at the same time, by leaving it to the commission to determine the scope of the board's duties, places to a considerable degree in the commission's hands the power which it presumably seeks to check. The effective application of the merit system requires a more complete definition of the powers of the civil service board than the commission charters at present contain.<sup>1</sup>

An impartial investigator, comparing present conditions in commission-governed cities with those existing under the old system, will be impressed with the striking results which have been accomplished under the new plan. Perhaps the most marked change has been in the administration of the city's finances,

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<sup>1</sup>As I revise this I am informed that this feature of the Des Moines charter is already breaking down.—O. R.

a department which has without exception responded to the enlightened efforts of the commissioners. Large floating debts have been extinguished; sinking funds created and the public credit restored; the policy of resorting to bond issues to meet current expenses has been abandoned; the public funds have been let out to financial institutions and have thus afforded a source of considerable income; expenses in all departments have been cut down and the tax rate in some instances has been reduced. In addition to an improved financial condition, investigation shows a decided improvement in the various public services, which invariably have been brought to a higher point of efficiency; purer water, better streets, and a more efficient police and fire service are testified to by visiting delegations and students.

Again, a higher grade of men, in many instances, has been attracted into the municipal service. The reasons for this are plain. Aside from the necessity of catering to a political "boss" in order to hope for public office, perhaps nothing has been more influential in driving competent men from the public service than the curtailment of the powers of the council, and the diffusion of those powers among numerous boards and officials, which took place in the last century. The experience of those years proves beyond all doubt that the character of civic office declines according to the power associated with it. The increased power and importance which the commission charter confers upon the council, and the freedom of the candidate from the tyranny of the boss, have no doubt been

responsible for the presence of a better grade of officials in the commission-governed cities. Whether the second of these factors will continue to be operative time only can decide.

It must not be thought, however, that the commission governments have always been in charge of men of extraordinary ability, or that the success of the plan depends upon the presence of experts on the commission. The expert must be present if the commission is to be a success, but he must be present in the permanent official and not necessarily in the elective commissioner. The commissioner's function is generally supervisory, not administrative, and the people are always competent to choose a supervisor, although they seldom succeed in choosing expert administrators. It is true that some commissions, like that of Haverhill, Massachusetts, have been made up largely of municipal experts; the majority, however, like that of Galveston, have been composed of men of average ability. When it is remembered that the prevailing type of elective official in American cities under a system of manhood suffrage is likely to be the man of average powers, the great importance of this fact in determining the ultimate value of the commission plan becomes apparent. Commission government will not eliminate the political leader; the best it can do is to exclude the undesirable type of political leader from the public service, and, indeed, this is all that it properly should do.

Another striking improvement has been a general elevation in the moral tone of the cities which have

adopted the new plan. Citizens and investigators generally agree that the advent of the new system has, for the most part, been marked by the elimination of gambling, the policy shop, the disreputable resort and other forms of vice. Perhaps the most striking example of such improvement is found in Galveston, where the lawless elements, for many years previous to the adoption of the commission form, exerted a tremendously demoralizing influence over the administration. A simple program of strict and impartial law enforcement has been responsible for this change.

A consideration of the improvements which have taken place under commission government naturally gives rise to the question: What causes have been responsible for these results? The advocates of the commission plan give the entire credit for the improved conditions to the system itself; its opponents explain the improvement in the light of the increased public interest in city affairs, and assert that the old system would have given the same service if it had been supported by an active public opinion. Although it must be admitted that public opinion is an important factor in the success of any system of government, it is not to be denied that the form of the government is also important; the system reacts upon the people just as the people react upon the system. A consideration of the merits and defects of the commission plan, therefore, will be helpful in explaining its past success and in judging of its ultimate value.

By far the most conspicuous merit of the plan lies in its centralized character. The whole course of

municipal history points to the truth that administrative skill and efficiency, to be effective, must be centralized. An appreciation of this principle explains the marked efficiency of European city governments, just as its violation accounts for the inefficiency of the American governments. Now, as has often been pointed out by its advocates, city government is largely a matter of business management, and, therefore, demands an administrative organization that will be suitable for conducting business operations. The commission plan, with its small council, resembling a board of directors, thus permits the transaction of the city's business with the same promptness and efficiency with which the affairs of a private corporation are managed.

Especially will this advantage be apparent in the management of public franchises—a function which is too often associated with gross inefficiency and corruption. Indeed, it has been found almost impossible under the old form of government to secure a regard for the ordinary business principles in the granting of franchise and other public privileges. The small commission may reasonably be expected to correct this evil and secure more equitable conditions for the public. Moreover, while the commission charter does not guarantee to eliminate corruption in connection with these grants, it promises to reduce the probability of such corruption to a minimum.

From this centralization of power flows another distinct merit of the commission plan, namely, a centralization of official responsibility. The most impres-

sive lesson which our municipal experience teaches is that honesty and efficiency in government are but idle terms when responsibility is divided, and it is no exaggeration to say that whatever improvement the past few years have witnessed in our cities has involved some recognition of this principle. Now, under the commission plan responsibility is centralized in a few elective officers who have no means of evading it. "The citizen of the commission city," declares the enthusiastic advocate, "knows who is responsible for the impure water, the unclean streets, or the negligent police force, and may direct his criticism against the delinquent officer." The consciousness of this ever-present public scrutiny, it is asserted, will keep the commissioners responsive to the popular will and eliminate official negligence and incompetency from the administration.

This merit is undoubtedly to be commended in the commission system, and yet it must not be overlooked that, to be effective, it must be supported by an enlightened public interest, and that an indifferent electorate will not only fail to make effective this responsibility, but, because of the centralization of power which goes with centralized responsibility, will open the way to more serious consequences than would be possible under the old system of divided power. Concentration of responsibility is not *ipso facto* a guarantee of honest and efficient administration, although it will do much to secure good government when supported by public opinion.

Another commendable quality of the commission

plan is its extreme flexibility, which permits the administrative machinery to be adapted to the needs of the individual city. Here again we encounter a weakness of the old government which appeared during the last century; for, strange as it may seem, our city governments have not always possessed the rigidity of character which now characterizes them. The same period that saw the dominating influence of the state and national governments on the municipalities witnessed the gradual assumption by the state legislatures of powers previously exercised by the local governing bodies. Among these usurpations was the power of prescribing the details of the local administrative machinery, which thereafter was exercised by the state legislature, which possessed little, if any, knowledge of local needs. The logical result was the growth of an inflexible administrative organization which, under rapidly changing social and economic conditions, made practically impossible a scientific solution of the city problem. The commission plan, therefore, by intrusting the details of organization to a locally elected body, makes possible a flexible and responsive administrative machinery, which will go far to solve the problem of city government.<sup>1</sup>

In general harmony with these motives of securing a centralized, responsible, and flexible administra-

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<sup>1</sup>It must be admitted, however, that this flexibility of administration might be obtained in another than the commission plan, provided that the charter gave to the local council complete power over the local administration. It is in the commission charters that this principle has been most effectually applied; hence its treatment in this chapter.—O. R.

tion, the commission plan seeks to eliminate partisanship from the administrative service. The importance of this virtue in any plan of city government must be apparent to all who have observed the demoralizing influence of partisan politics in city affairs. Several years ago James Bryce wrote that the party system was perhaps an incident rather than a cause of the failure of the American city governments. It can scarcely be doubted now that the influence of party politics has been one of the leading factors in the decline of the cities. Without this baneful influence the cities would hardly have reached such a degraded state as that into which they fell under the party system. It does not follow, however, that because partisan politics should be banished from city administration the party system itself should be abolished. While the struggle between parties founded on state and national issues, and having no relation to municipal policies, is to be condemned, it is none the less true that parties divided on local issues are both desirable and necessary, and should be recognized as a legitimate part of local government. It may be noted that the well-governed cities of Europe are all administered by the representatives of parties. These parties, however, divide on local issues and do not treat city offices as political spoil. Those who are directing the development of our city government should not lose sight of this necessary distinction between partisanship and local political parties.

The merits of the commission plan which have been briefly outlined are much more obvious than its defects. This is due to the comparatively short trial

which the new system has had, and to the further fact that it has been tested under most favorable conditions, which may easily have prevented latent defects from revealing themselves. Objections have been urged against the system, however, which deserve the serious consideration of all who are sincerely desirous of bettering the condition of the cities.

Perhaps the most frequent indictment of the plan is that it is un-American and contrary to the spirit of our institutions. The concentration of all powers in a small body, which advocates of the system regard as one of its most conspicuous merits, is denounced as a tendency toward oligarchy, to be justified only on the ground that the many should be ruled by the few. The objection is difficult to maintain. It has always been recognized in American government that where responsibility is centralized there is no danger of a subversion of democratic institutions. The New England town-meeting system, with its concentration of all important powers in a small board, is essentially similar in this respect to the commission plan, and the town-meeting plan has been universally admitted to be the most perfect form of democracy ever devised.

In one very important respect, however, the new form may be said to depart from the established traditions of American government, namely, in the fusion of appropriating and expending authorities. The principle has generally been recognized that these two authorities should be kept separate, and with the exception of a few county organizations the national, state, and local governments provide for the exercise

of the appropriating and expending functions by different bodies; even the New England board of selectmen possessed no powers of appropriation, but could expend only what the town meeting had appropriated. It is significant that there has been no serious attempt to meet this objection to the commission plan, and indeed it might appear as if no satisfactory rebuttal existed. It may be said, however, that the principle of the fusion of appropriating and expending authorities has never been applied under circumstances as favorable as those under which it is applied in the commission government, and that it may after all prove efficient in its new application.

Another objection offered to the commission plan is that it will encourage the legislatures to further intervention in local affairs, and thus jeopardize the success of the movement for municipal home rule. It is asserted that legislatures in the past have been extremely opposed to granting extensive powers to small bodies and that the small governing body of the commission will be no exception to this rule. It cannot be denied that a wide sphere of local control is indispensable to the proper solution of the municipal problem; nor will it be doubted that the natural tendency of the legislatures has been to be sparing in its grants of power to small commissions. On the other hand, it may be said that thus far no tendency inimical to home rule has appeared in commission-governed cities, and that in some cases the legislature, instead of withholding powers, has been even more generous than usual in its grants.

The force of this objection is further weakened by the fact that the important legislative powers—the powers which would stand in danger of being withdrawn from the city under the new form—are, in a sense, not vested in the commission at all in most charters, but in the people at large through the initiative and referendum. Moreover, it may be said that in one respect the commission plan even discourages legislative intervention. One of the outstanding causes of state interference has been the inflexible character of the old system, which has made it necessary for the legislature to interfere whenever local conditions required a change in the administrative organization of the city. Now under the commission plan, since the details of the local administrative machinery are entirely under the control of the commission, there is no excuse for state interference in this sphere of local affairs.

Intimately connected with the charge that the commission plan is unfavorable to home rule for cities is the objection that it is based upon a misconception of the nature of municipal functions. A consistent advocate of commission government, it is declared, is forced to take the position that city government is purely a problem of business, and that the government should be organized solely with a view to administrative efficiency. Thus, the commission plan, it is asserted, by lodging all powers in a small board of department heads, makes no distinction between legislative and administrative powers.

It is probably true that the advocates of the new

form are accustomed to lay undue emphasis on the administrative character of the municipality, and frequently lose sight of the fact that, after all, municipal government is a political problem. And it must be admitted that a small board of five men, the larger part of whose time and energies must necessarily be occupied with administrative problems, would not appear to be the most efficient kind of legislative body. On the other hand, it should not be overlooked that the commission form does recognize a distinction between legislative and administrative powers: all administrative powers are vested in the commission, and the most important legislative powers are exercised by the people at large through the initiative and referendum. The opponents of the new system should also remember, in their attacks on the administrative character of the commission plan, that, while city government is not merely a business problem, there is strong need for the application of business principles in city administration, and that its failure to provide for a more businesslike management of the city's affairs constitutes one of the greatest indictments against the old system.

Finally, the opponents of commission government have charged that the new form will increase the influence of party organs. It is said that whenever an office has been made more important through the addition to it of more power, party machines have redoubled their efforts to control it, with the result that partisanship in municipal elections has not been diminished. In the light of past experience this objection would seem

to merit serious consideration, and yet it must be conceded that thus far commission-governed cities have been successful in ridding the government of machine rule, and that a nonpartisan administration has been obtained in practically every instance. It would be rash, however, to assume that political organizations could never find means to get control of public offices under the commission plan; if public sentiment became lax, the commission government would be no more immune against the power of the machine than any other form of government. Moreover, the consequences resulting from such subjection to machine rule would doubtless be much more serious than under the government of distributed powers, on account of the large powers which are vested in the commission. On the other hand, the commission plan, through its provisions for a nonpartisan primary and election and the concentration of official responsibility, will make it much easier for an active public opinion to express itself, thus reducing this danger to a minimum.

But while the objection that the commission government would strengthen the influence of party machines in city elections may not appear so formidable in view of the nonpartisan character of the election, it nevertheless takes on an increased importance when large cities are considered. For, while the candidate for public office in the small city can get the ear of the electorate without the aid of a highly developed organization, the candidate in the large city finds this practically impossible, so large is the number of voters to be addressed. He is therefore compelled by neces-

sity to resort to the plan of building up an organization to promote his candidacy. But in this kind of work the political specialist backed by the machine will have a tremendous advantage, and thus the machine candidate stands an excellent chance of success.

Moreover, the city of large and heterogeneous population presents political problems which are not so much in evidence in the small city, and it may be doubted whether the small governing body of the commission plan will afford a genuine representation of the various interests that make up the large city. While the fact that none of the large cities have had experience with the system will not permit any dogmatic statements regarding its efficiency in this sphere, its adoption, nevertheless, by large and cosmopolitan communities would appear to be a precarious experiment at the least, and one to be undertaken only after the most thorough consideration of its probable consequences.

To render final judgment at the present time on the efficiency of the commission plan of city government would be an act of presumption for which no person who understands the difficulty of the municipal problem in the United States would be willing to stand responsible. The reason for this becomes obvious when we remember that no city has had experience with the system extending beyond a single decade. Experience would seem to say that the ultimate success of municipal system depends upon the character of the men who administer it, which is to say that the whole problem is one of securing competent and

public-spirited men in public office. Now, if the commission plan is so constructed as to attract this kind of men into the municipal service, as past experience would seem to indicate, it must be adjudged efficient.

And yet it may be said with certainty that the experience of these commission-governed cities, short and insufficient as it is to warrant a dogmatic conclusion, contains valuable lessons for American cities that are struggling with the municipal problem. The striking results which have been obtained wherever the new form has been established plead eloquently for the simplification of a system which, because of its decentralized and inefficient form, has long since proved itself inadequate for performing municipal functions. Whatever may be the future municipal system in the United States, we may reasonably predict that it will at least contain the fundamental principle of the commission plan, namely, a centralization of administrative power and responsibility.

## CHAPTER VI

### PROVISIONS OF COMMISSION GOVERNMENTS ANALYZED<sup>1</sup>

IN November, 1909, when Dr. Ernest S. Bradford presented his first paper to the National Municipal League on the government of cities by commission, he reported fifty cities as operating or ready to operate under the system. To-day there are one hundred and fifty-five such cities, not including St. John, New Brunswick, which has just adopted it.

As Dr. Bradford pointed out in the paper he presented to the Buffalo meeting of the National Municipal League on "A Comparison of Commission Government to Date," which constitutes this chapter: "If every week continues to see a new city added to the list, it will not be long before a majority of our American municipalities will be governed by a small 'board, elected at large and exercising adequate power under certain restraining 'checks,' while New York, Chicago, Boston, and our other large cities will be actively discussing proper methods of applying it to metropolitan conditions."

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<sup>1</sup>See papers of Dr. Bradford in the Cincinnati and *Buffalo Proceedings*.

During 1910, cities secured commission charters, or states passed general acts permitting municipalities to adopt the commission form as follows:<sup>1</sup>

Kentucky, Illinois, South Carolina, and Louisiana passed acts under which the cities of Lexington, Ky., Columbia, S. C., and Shreveport, La., have already voted to operate.

In Kansas, the cities of Topeka, Coffeyville, Parsons, Pittsburg, Marion, Cherryvale, Iola, Wellington, Emporia, Abilene, Newton, Girard, Neodesha, and Caldwell installed the plan.

Seven additional cities in Texas took advantage of a state law permitting any municipality of less than 10,000 to adopt it by a majority vote of the electors: Kennedy, Aransas Pass, Harlinger, Barry, Lyford, Port Lavaca, and Marble Falls.

In Iowa, Keokuk and Burlington began operating and Sioux City, Marshalltown, and Fort Dodge voted to also follow the example of Des Moines and Cedar Rapids.

In Oklahoma, McAlester, Muskogee, El Reno, Bartlesville, Sapulpa, Miami, and Chisholm were brought into line.

Vermillion, S. D., Mankato, Minn., Eau Claire, Wis., Tacoma, Wash., Lynn, Mass., Modesto, Cal., and High Point, N. C., are recent acquisitions. Hattiesburg, Miss., began operating during 1910, although it voted in 1909. In Oakland, Cal., the board of free-holders reported a commission charter, which was

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<sup>1</sup> See Chapter XV for the developments of 1911.

adopted in the present year and approved by the state legislature.<sup>1</sup>

The results of those cities which have had the plan for two or three or five or nine years are so unmistakably favorable, Dr. Bradford declares, that an impartial investigator cannot but be impressed. Legislative committees opposed to the plan in advance, keen newspaper men, doubting anything which purports to really change the usual bad municipal conditions, earnest but skeptical lawyers, students of government, and hard-headed business men have all visited Galveston and Houston and Dallas, Des Moines, Cedar Rapids, Leavenworth, and other commission cities, only to be convinced against their will of the improvement wrought and to go home to advocate the adoption of the system in their own towns.<sup>2</sup>

It is sufficient in this connection to note that a study of the plan for three years, including correspondence with cities, a careful analysis of their charters, and personal visits to the most important cities—Galveston, Houston, Des Moines, Cedar Rapids, Huntington, W. Va., Keokuk, Memphis, and others—interviewing citizens of all types in these cities, attendance at meetings of the commissions, and examination of records and annual reports, warrants Dr. Bradford in making what he properly describes as a conservative statement that since the introduction of the commission form there has been a marked increase in efficiency in municipal finances and in the care of

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<sup>1</sup> For a complete list of cities to date, see Chapter XV.

<sup>2</sup> For a discussion of the results, see Chapters XI, XII, XIII, XIV.

streets, including paving and lighting; decided progress in the administration of the police and health departments, though to a less degree than in finance and engineering; and a more satisfactory operation of municipal utilities and regulation of public-service corporations than under the aldermanic plan. There appears to have been improvement in almost every field of municipal activity in the commission cities, though differing in different localities. There can be no question that the plan has greatly aroused public interest in municipal affairs, has inspired the people with a heretofore unknown confidence in their local governing body, and seems to be promoting that comprehensive view of the urban center and its needs which is manifested in the beginning of a "city plan" for Dallas, Cedar Rapids, and other municipalities.

But this is outside of the scope of the present chapter, and Dr. Bradford passes to a consideration of the features found in the many commission charters and state laws, their analysis and comparison, and a discussion of their respective excellences and defects.

The first feature which appears from even a cursory examination of the commission laws and charters is the small number of members of the governing body.

The usual number of members of the commission is five, that being the number in the boards of Galveston, Houston, Des Moines, Dallas, Cedar Rapids, and in most of the cities of Texas, Iowa, and the Dakotas. Three is the next most common number, occurring usually in the smaller cities; particularly under

the Kansas law for the cities of the second class (of less than 15,000 population); in Iowa, for cities of between 7,000 and 25,000 population; and in the Texas general act which applies to cities of less than 10,000 population. The Wisconsin law makes three the number of the commissioners for all cities which may adopt the plan. The New Mexico law allows from three to five commissioners, while the Mississippi statute provides "three or five." Huntington and Bluefield, W. Va., and Palestine, Tex., have a board of four, including the mayor. Fort Worth, Tex., has six; Lewiston, Idaho, seven; and Highpoint, N. C., nine commissioners. The table on the following page summarizes the provisions in the various cities on this point, forty-six out of eighty cities tabulated having a commission or council of five.

The number of members which a working board should have is based upon two main considerations—the number which can well be elected by voters at any one time and the natural limit to the efficient number of any working board.

Of these, the first is most important. Our American ballots are overloaded with the names of candidates: so many offices are to be filled that it is impossible for anyone but a politician to inform himself as to the merits of each of the aspirants for the many places to be filled. The multiplicity of elective officers drives men into voting straight party tickets, a cross at the head of the column which contains a familiar name or two being an easy relief from wading through the long list below. A natural remedy is

NUMBER OF COMMISSIONERS<sup>1</sup>

THREE.	FOUR.	FIVE.
Denison, Tex.	Palestine, Tex.	Galveston, Tex.
Greenville, Tex.	Huntington, W. Va.	Houston, Tex.
Marshall, Tex.	Bluefield, W. Va.	Dallas, Tex.
Barry, Tex.	Sapulpa, Okla.	El Paso, Tex.
Harlingen, Tex.		Austin, Tex.
Kennedy, Tex.		Waco, Tex.
Aransas Pass, Tex.		Corpus Christi, Tex.
McAlester, Okla.		Amarillo, Tex.
Bartlesville, Okla.		Muskogee, Okla.
Baker, Ore.		Memphis.
Kansas cities of 2d class (13 cities).		Haverhill, Mass.
Iowa cities of 7-25,000 (3).		Gloucester, Mass.
Wisconsin (1).		Lynn, Mass.
		Colorado Springs.
		Grand Junction, Col.
		Berkeley, Cal.
		Oakland, Cal.
		Tacoma, Wash.
		Kansas cities of 1st class (7 cities).
		Iowa cities of over 25,000 (4).
		North Dakota (3).
		South Dakota (6).
		South Carolina (6).
		Kentucky (1).

## SIX.

## SEVEN.

## NINE.

Fort Worth, Tex.	Lewiston, Idaho.	High Point, N. C.
San Diego, Cal.		

<sup>1</sup> The Minnesota law contains no provision as to the number of commissioners; New Mexico provides 3-5 commissioners; Mississippi, 3 or 5.

to reduce the number of names on the ballot. Why should not five men represent a city more ably than twenty? It is not the number but the acts of the council which determines whether or not they are truly representative. In the past, it has been assumed that merely allowing the people to vote for their officers would insure democratic government; it is now recognized that democratic government means government in accordance with the wishes of the people and that the people must therefore be given easy means of control of their officials.

One method of control is to provide for elections at any time that a real need arises instead of only at stated intervals; the "recall" is merely the privilege of electing a new and better official sooner than usual. Another method is to allow the people to vote directly on measures as well as on men; heretofore, the two have been tied up together, and the only way to secure one or two needed laws was to vote for the men who stood for these laws but who also possibly stood for others not so desirable. Another and very simple method is to reduce the number of elective officers to a reasonable number, small enough so that the electors may know something of each man for whom he votes. The "short ballot" is most important—much more important than is recognized by many, and so simple that it should be instantly welcomed as a great addition to the list of effective methods of securing good government.<sup>1</sup>

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<sup>1</sup> See Chapter III.

Prompt action is one of the possibilities realized under a small commission. Three instances may be cited from Cedar Rapids. A well-known real-estate agent, and a former member of the city council for years, wished recently to get a plat of the new subdivision approved for his firm; it took one day to get it. Under the old plan it would have required six months; at least that was the time taken to get through his last previous plat. A local independent telephone company wished to secure a new franchise allowing it to put its wires underground and to make certain reconstruction; this franchise was introduced (under the old regime) in May of one year and was reported out by the committee in March of the next year. Such delay is impossible under the present system. The Douglas Starch Works wished to have an unimportant street vacated. Application was made to the council, and approved the same day. Similar incidents have occurred in many cities. The board is small enough to act without delay.

The small council or commission is thus best, both from the viewpoint of the voters who must select from that of the board itself, which must administer, and from that of the citizens whose welfare demands prompt action from municipal authority.

The general considerations tending toward a small board are further modified by the number of functions to be performed by the municipal governing body.

The various duties naturally group themselves into four or five departments. Supervision and general

oversight has been, in most of the cities, assigned to the mayor-commissioner, while finances, police and fire matters, and streets, are well-marked divisions to each of which a commissioner has been almost uniformly assigned. The fifth commissioner has been given charge of light and water, or waterworks and sewerage, or some other residual, but important, field of activity. Galveston has besides the mayor-president, commissioners of finance and revenue, police and fire, street and public property, and waterworks and sewerage. The charters of Dallas and Fort Worth and the laws of North Dakota and South Dakota accept the same divisions. Houston divides its municipal administration into finance and revenue, police and fire, streets, bridges, and public grounds, and water, light, and health, besides the mayor, who has general oversight. The Iowa law places the mayor in charge of public affairs, while the other departments are accounts and finance, public safety, streets and public improvements, and parks and public property. Where there are only three commissioners, duties are consolidated; in the Kansas law for the cities of the second class, the mayor is given charge of police, fire and health, and the other two members have finance and revenue, and streets and public utilities, respectively. The new charter of Tacoma, Wash., well drawn on the whole, places the mayor in charge of public affairs, health and sanitation; and provides, besides, for the departments of finance; public safety; public works, streets, improvements, and property; and light and water. The Kentucky

law, passed in 1910, and applying as yet only to cities of the second class, provides for departments of public affairs (in charge of the mayor), public finance, public safety, public works, and public property. High Point, N. C., with a commission of nine, has besides the mayor, commissioners of finance and revenue, police and fire, streets and cemeteries, water-works and sewerage, public buildings and property, lights and lighting, a purchasing commissioner and an auditing commissioner. San Diego, Cal., separates the police from the fire department, allotting its five commissioners to finance, ways and means; police, health, and morals; public streets and buildings; fire and sewers; and water.

In place, then of the usual council, consisting sometimes of two bodies and containing from ten to fifty or more members, there is substituted a single board of five or three. This small board comprises, in most cases, *all the elective officials chosen in the city*. Officers, such as city engineer, assessor, treasurer, and others of that nature, elected under the aldermanic plan, are appointed by the commission. Only in a few exceptions are officers other than the commissioners elected, not counting school directors, boards of education and library trustees which are so generally put in a class by themselves at elections.

In this new small council the mayor appears merely as the chief member and presiding officer. In most cases his veto disappears. He is but one of the five, and votes as one. Whether the new body be called a board of commissioners, as in Galveston, Dallas, Fort

Worth, and the Kansas cities, or a council, retaining the old name with the new provisions, as in Des Moines, Colorado Springs, Tacoma, and elsewhere, the substance is the same. It is a small board, easier to elect, and after election easier to hold responsible, and more prompt in action. Large bodies move slowly. The danger of too rapid action is obviated by transferring the power of veto to the voters as a whole, by means of the referendum; vigor and expedition in dealing with the many administrative details of city government are better supplied by a small board with few members.

The second feature of all the forms of commission government is the abolition of wards as election units. Each commissioner is voted for by all the electors, not merely those from one ward, and is responsible to the entire city rather than to a section of it. The elective principle is retained but made to apply to a larger unit.

Every commission charter and law has this provision, either specifically stated or enforced in actual practice. The commissioners are to be elected "at large," in the Tacoma and other late charters, and in those of Houston and the other Texas cities which adopted the plan among the first. "By the qualified voters of the whole city," is the provision in Huntington; the commissioners "may be residents of any part of the city," says the Haverhill charter. This element of the commission plan is not confined, it is true, to cities which have the commission plan; Boise, Idaho, for example, while not strictly a commission city, pro-

vides for the election of a board of five "on a general ticket." Many other cities have incorporated this provision in their charter; but it is a characteristic of the commission form.

From the side of the voters, the board members are more truly representative than formerly; each voter wields more power, since he directly votes for all five, instead of for only one or two of twenty councilmen. Better men can be elected, too, when all the voters make the selection; the influence of a bad ward is less when lost in the mass of other votes than when it can crystallize by electing a bad ward alderman. Better-known men are selected and men of broader outlook and larger caliber. After election, the commissioners are responsible to all the citizens, and will naturally expect to care for the interests of the city as a whole. The trouble with the system of ward representation is that the individual ward receives attention—at least, those wards with aldermen most efficient in "trading" and arranging "deals" with fellow-members—but the interests of the city as a whole suffer. "To secure one more electric light in my ward," said a former councilman, "it is necessary to agree to vote for one more arc in each of the other seven wards." So the city installed and paid for eight arc lamps where only one was needed. The same is true of sewer extensions, new street paving, grading, water mains. Des Moines, Houston, and nearly every city which had the ward system, offered flagrant examples of this vicious system of "part representation." Now the commission form changes all

this. The entire body of voters chooses the board of five and know who the men are for whom they are voting.

The danger of having most or all of the commissioners elected from the same ward or section has not materialized in the cities which have adopted the election at large. Des Moines, divided by the Des Moines River into East and West sides, elected for its first commission two from one side and three from the other; and there has been no attempt discernible on the part of the West side councilmen to unduly favor their part of the city. They are accountable to the entire city and therefore act for the whole city. In Cedar Rapids, similarly divided by the Cedar River, only one alderman (commissioner) was chosen from the West side, but he states that he had no difficulty in securing adequate provision for the needs of that section. Bohemian-Americans, constituting probably a fourth of the population of Cedar Rapids, have not a member of their nationality on the board of commissioners, yet persons of Bohemian parentage have been appointed to places in the city government, on their merits, and their section of the city has received its share of appropriation for paving, water mains, and street lighting. One of the first things done by the new commission in Cedar Rapids was to extend sewerage and water connection to a large Bohemian Catholic church, which had never been able to secure them under the former council. Nor has there been favoritism as to wards in Houston or Galveston or Huntington or Leavenworth or Wichita or Lewiston

or Dallas, so far as can be learned. The fact that every voter in the city is a constituent of each commissioner tends to correct any danger from possible overrepresentation of any one section.

If election at large rather than by wards tends to result in the choice of better councilmen (commissioners), the payment to them of reasonable salaries makes it possible for them to give to their municipal duties their entire time or such part of their time as may be required, without too great financial sacrifice. Whatever the case in England and Germany and France, American municipal directors must be paid. Whether they should give their entire time or not is more of a question. The salaries provided in the various state laws are usually arranged on a sliding scale, varying with the size of the city to be governed; the charters specifically provide, in most instances, the amount to be paid. The range of salaries is considerable; the usual provision is for an annual amount, to be drawn in monthly installments. A comparison of the salaries of city commissioners (or councilmen), including the mayor, would be of interest, but is of minor moment and is omitted here in order to present more important features.

In all Texas cities the term of the commissioners is two years, as is the case with the Iowa law, the Kansas law for cities of the first class and the charters of Lewiston, Idaho, High Point, N. C., and Haverhill, Mass. The Kansas law for cities of the second class provides for a three-year term, one commissioner being chosen each year. The term of office of the commissioners

of Huntington, W. Va., as well as of members of the Citizen's Board, which is provided as a check, is three years. Under the laws of North Dakota, South Carolina, Memphis, and Bluefield, W. Va., the term is four years, while in South Dakota the term is five years, and in Wisconsin six years for mayor and four years for each of the two councilmen. In Berkeley, Cal., the mayor and auditor are elected for two years, while every two years two councilmen and two school directors are elected for a four-year term, there being a mayor and four councilmen besides the auditor. In Mississippi and Minnesota there is no provision as to term or method of election further than to specify election at large.

The continued reëlection of commissioners has lengthened their actual term in office in several cities, particularly in Galveston and Houston.

All of the commissioners are usually elected at the same time, but there are exceptions, as already seen. In Marshall, Tex., two commissioners are elected one year for a two-years' term, and the next year the chairman (mayor) and city secretary for a two-year term. In Lewiston, Idaho, the mayor and three councilmen are elected each odd year for two years; and in each even year the other three councilmen for two years. In Bluefield, W. Va., two (of four commissioners) are elected for four years; two years later, the other two are elected for four years. Similarly in Grand Junction, Colorado Springs, and Tacoma, and in the laws of North Dakota and South Carolina the mayor is elected with two commissioners every

four years for a four-year term and the other two commissioners elected two years later for a four-year term. Under the Wisconsin law the mayor holds office for six years and two commissioners for four years each, one being elected alternate second year. In South Dakota one commissioner of the five is elected each year for a five-year term. In Kentucky the mayor is elected for four years and the other four commissioners for two years each; two years later, a police judge is elected for four years and the four commissioners for two years again. In Haverhill the mayor, two aldermen, and two members of the school committee are elected each even-numbered year for two years, while the two other aldermen and the two other members of the school committee are elected each odd-numbered year for the same term.

The qualifications for commissioners range from the provisions of the Texas cities, requiring each member of the governing board to be a citizen of the United States, a qualified voter, a resident of the city previously for a certain number of years, in some charters, of twenty-five years of age, a property owner, and not in arrears for taxes, and in one instance, not a stockholder or director of any public-service corporation having a city contract or franchise, to that of Grand Junction, Col., where the only provision is that the commissioner shall be a qualified elector.

The requirements demanded of the commissioners besides the prescribed qualifications, include frequently the giving of a bond and prohibit the holding of

more than one office or of any office the compensation of which has been increased during the commissioner's term. The most definite and drastic provision and one found in the majority of the commission charters, is that prohibiting a commissioner or councilman from having any financial interest in city contracts. The receiving of free passes, tickets, or gifts of substantial value from public service or other corporations is also prohibited in many instances. These are no essential part of a commission charter but are usually present.

As to whether the commissioners should be required to give all their time to their municipal duties, or only part time, there is a decided conflict of opinion. Sentiment in Galveston strongly favors requiring only part time, since very able men can be secured as commissioners, if they can be allowed to devote only a small share of their attention to city business. On the other hand, Houston, Des Moines, and other cities require the entire time of their council members (commissioners). This provision, in connection with longer terms of office, may tend to make municipal commissionship become a profession, since an able man cannot afford to leave his business and devote all of his time to city affairs if he is likely to be retired at the end of two or four years. The commissioner becomes more experienced and valuable the more time he gives to the work and the longer he is a commissioner. The tendency is strongly in the direction of longer terms and with the advent of the commission plan generally throughout the country, a new and valuable field

of governmental service will be established, as in Germany, of which men will make a vocation, and which will take the principal part of their energy and time.

The municipal business of most small cities does not need the services of five men or three men for seven or eight hours each day. Part time is now the rule, and is probably best. The present council system offers an extreme example of service for part time only; night sessions are usual, and meetings often only once a month. Much more attention may well be required and still not all the day of the municipal director may be occupied in the care of city affairs.

If the larger city were fairly sure of being able to elect some of the best business men to its governing board, as in Galveston, it might be best to provide that members could be elected at a low salary to give part time, or at a high salary to give all of their time, that point to be settled at the time of nomination. If the voters preferred Mr. A, a most capable bank manager or manufacturer, who was willing to give part of his time at \$3,000 a year, rather than Mr. B, a less able man, though capable, at \$6,000 a year, to give all of his time, let them so indicate on the nominating ballot. Besides the names of candidates, columns for "time required" and "salary," opposite each name would appear on the ballot in that case. This plan would not shut out the first-class business man, whose experience would be most helpful to the city, but who cannot afford for four or five thousand dollars a year to devote all of his energies to the city's affairs while he can make several times as much in his own business.

The present time requirements in commission cities are as follows:

#### TIME REQUIRED OF COMMISSIONERS

*Date of grant of charter or passage of state law in parenthesis*

Entire Time.	Part Time.	No Provision.
Houston (1905). <sup>1</sup>	Galveston (1901). <sup>6</sup>	Austin (1909).
Dallas (1907).	Marshall, Tex. (1909). <sup>7</sup>	Palestine (1909).
Fort Worth (1907).	Corpus Christi (1909).	Waco (1909).
El Paso (1907). <sup>2</sup>	Denison (1907). <sup>8</sup>	Amarillo (1909).
Greenville (1907).	High Point, N. C. (1909). <sup>8</sup>	Lewiston, Idaho (1907).
Grand Junction, Col. (1909).	Colorado Springs (1909). <sup>9</sup>	Memphis (1909).
McAlester, Okla.	Tacoma. <sup>9</sup>	Gloucester (1908).
Kansas (cities of 1st class). <sup>3</sup>	Huntington, W. Va. (1909). <sup>10</sup>	Haverhill (1908).
New Mexico. <sup>5</sup> <sup>13</sup>	Bluefield, W. Va. (1909). <sup>10</sup>	Lynn (1910).
Wisconsin (1909). <sup>13</sup>	Muskogee, Okla. (1910). <sup>8</sup>	Colorado Springs (1909).
	Oakland, Cal. <sup>15</sup>	Berkeley, Cal. (1909).
	South Carolina (1910). <sup>8</sup>	San Diego, Cal. (1909).
Summary—7 char- ters, 3 general laws—	11 charters and 1 state law—in all, 12 cities.	Kansas (cities of 2d class) (1909). <sup>12</sup>
in all, 23 cities.		Minnesota (1909). <sup>13</sup>
		North Dakota (1907). <sup>14</sup>
		Mississippi (1908). <sup>13</sup>
		South Dakota. <sup>11</sup>
		Louisiana (1910).
		Iowa (1907). <sup>4</sup>
		12 charters and 6 state laws—in all, 38 cities.

NOTE.—For references, see page 108.

The most vital and effective element in the commission form of government is not the small number of the governing body, as important as that feature is, nor the election of the members at large, helpful though that provision is proving to be, but the amplitude of the powers conferred upon the commission, the assignment of each commissioner to a department, and the sufficiency of the checks provided to assure popular control. These third, fourth, and fifth ele-

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<sup>1</sup> All the commissioners, including the mayor, give their entire time.

<sup>2</sup> Mayor gives entire time; the four aldermen, not less than 6 hours a day.

<sup>3</sup> In cities of over 60,000 population all the commissioners give their entire time; in cities of 30,000-60,000, mayor gives at least 6 hours a day, applies to cities of Leavenworth, Topeka, Wichita, Kansas City (Kan.), Hutchinson, Pittsburg and Emporia.

<sup>4</sup> Applies to Des Moines, Cedar Rapids, Sioux City, Keokuk, Burlington, Marshalltown and Fort Dodge. Entire time is given in many of the cities, according to data received; but there is no provision to that effect in state law.

<sup>5</sup> Commissioners "shall not be otherwise employed."

<sup>6</sup> Mayor, 6 hours a day. No provision as to other commissioners; they are supposed in actual practice to give an hour a day.

<sup>7</sup> Mayor, entire time; other commissioners, as much time as necessary.

<sup>8</sup> As much time as necessary.

<sup>9</sup> Regular office hours.

<sup>10</sup> Public office and stated hours.

<sup>11</sup> No provision in its law, but only part time in practice. Applies to Pierre, Huron, Yankton, Rapid City, Dell Rapids, Sioux Falls and Vermillion.

<sup>12</sup> Applies to thirteen cities.

<sup>13</sup> Applies to one city.

<sup>14</sup> Applies to three cities.

<sup>15</sup> Charter framed, but not yet approved by legislature.

ments, as they have been numbered here, are so basic in their nature, that though they do not at first seem of unusual moment, they prove upon examination to include the first and second features, already noted, and to comprise the essence of two broad principles, which are both present in the term “responsible authority.” This connotes at once power and accountability—the capacity to accomplish and the possibility of a penalty for a failure to accomplish. Election at large is simply a kind of check beforehand—a method of insuring the choice of men who will represent the city as a whole, rather than a number representing a multiplicity of parts. Provision for a small board is the same sort of prior restriction in order that voters may choose a few officials intelligently rather than select, without thought, a large number. These are but parts of the second half of the equation—methods of enforcing responsibility by determining in advance the conditions of choosing public servants. It is now proper to present the positive side of government—that of the powers bestowed upon those who must act in a collective capacity—those who must pass laws and administer them in behalf of the people. What powers have been exercised, in cities, under the mayor-and-council plan, and what under the newer commission system may fittingly be contrasted. It may be that here will be found some explanation of the unusual success which has so far attended the operation of the latter method of government.

In the United States, the state legislature confers upon cities the right to exercise certain functions, these

being specified usually in the charter granted to the city. These "powers," or more correctly, fields of activity, include the right to levy taxes, borrow money, issue bonds, lay out streets, establish markets, hospitals, libraries, schools, enact building regulations, grant franchises, and in many cases, acquire and operate waterworks and other public utilities. At some time in the future, the state may recognize more clearly a proper general municipal field, and it may not be necessary for cities to have specified in such detail what they may do; nor to have to go to the legislature for every new small grant of municipal power.<sup>1</sup> Home rule for cities, however, is not the theme of this discourse, nor does the field of activity of the city under the commission differ from that under the ordinary council. In this respect, it is well to sharply distinguish the "powers" of the city—that is, the fields in which it may act—from the "powers" of the governing body; that is, the authority which it may exercise within the fields of activity permitted to the city.

When we say that the council exercises legislative power, we mean that it makes laws (ordinances) on those subjects which the state allows cities to control; administrative power means the right to enforce or carry out those laws or regulations on those same subjects. The powers of the *council* are greater if it is allowed to exercise both administrative and legislative authority—and perhaps in addition the power to ap-

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<sup>1</sup> For a full discussion of the whole subject of municipal home rule, see Horace E. Deming's "Government of American Cities."

point city officials—than if it exercises legislative authority only; but the powers of the city—that is, the field within which it can act, may remain the same. What is meant by the “ample powers” conferred on the small commission council under the commission plan is that this small board exercises not only the usual ordinance-making power, but also oversees the administrative departments of the city and appoints the officers. It decides (by ordinance) what shall be done, appoints the men to do it (all the department subordinates and employees), and sees that it is *done*. Each member of the commission is the chief of a department. The board exercises administrative control over all the departments by being itself the administrative head of the government, subdividing the work among its members, but all the more effectively controlling action. Ample power? It recalls the business corporation.

The powers of the commission may be considered first in general and then under the heads of ordinance power, administrative authority, and appointing power (considered broadly and including powers to create new offices, fix salaries, and prescribe duties). It should be remembered, in passing, that this discussion does not properly have to do with what functions the city should be allowed by the legislature to exercise, but how much of the power already marked out as belonging to the city is exercised by the commission and in what manner.

By most charters the board is given, in general, the powers formerly exercised by mayor and council

and the heads of departments. The council (commission) under the Iowa law possesses "all executive, legislative, and judicial powers and duties now had, possessed, and exercised by the mayor, city council, solicitor, assessor, treasurer, auditor, and other executive and administrative officers, . . . by the board of public works, park commissioners, the board of police and fire commissioners," etc. "The board of commissioners," runs the Kansas law for cities of the first class, "shall constitute the municipal government of such city and shall be the successors of the mayor and council"; and "said board of commissioners shall have and exercise all such rights, powers, and duties as are conferred upon it by this act, and such other powers, rights, and duties as are now, or shall be hereafter conferred by the laws of the State of Kansas upon the mayors and councils of the cities of the first class, not in conflict with the provisions of this act."<sup>1</sup> The South Carolina law grants to the board all legislative, executive, and judicial powers and duties conferred upon the city. The Galveston charter provides that "the board of commissioners shall have and exercise all the rights, powers, and duties of the mayor and board of aldermen of cities, as may be conferred by the constitution and laws of this state, and . . . all the rights, powers, and duties conferred upon them or either of them by the terms of this act";<sup>2</sup> and further the board "shall have control and supervision over all the departments of said city."<sup>3</sup> Not only the author-

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<sup>1</sup> Section 23.

<sup>2</sup> Section 6.

<sup>3</sup> Section 12.

ity formerly exercised by mayor and council, but additional powers set forth in the charter or state law are granted to the board or commission. This additional authority lies not in the field of making and passing ordinances, which is the usual legislative function of the council (and mayor), but in the matter of appointments, and in administrative control.

The appointing power is here used broadly to include the power (1) to appoint and remove all, or practically all, of the subordinate officers and employees of the city; (2) the power to create new offices and discontinue them; and (3) the power to fix salaries (except those of the commissioners themselves), to prescribe duties, and to transfer officers or change their duties.

Under nearly all of the commission charters, the commission is given the right to appoint the city treasurer, attorney, assessor and collector of taxes, chief of police, chief of the fire department, city engineer, superintendent of waterworks, and similar municipal officers.

Galveston's board is given authority to appoint, by majority vote of all the members, all officers and subordinates, in all departments of the city, and to remove any officer or employee with or without cause. The police and fire commissioner is allowed to recommend or nominate persons for appointment in the police and fire departments, while the board as a whole has the power of final selection. A similar provision exists in the Fort Worth charter. At Galveston the chief of the police and fire department is

also given power to temporarily suspend any subordinate in his department; while at Fort Worth the police and fire commissioner is given the right to employ policemen and firemen and to discharge them at his discretion, provided only his action does not conflict with the regulations of the board of commissioners. The power to appoint and remove is generally given to the commission, officers formerly elected now being appointed by the commission. This is true of the Iowa law, of the Kansas law (both for first and second class cities), of the laws of Wisconsin, North Dakota, South Dakota, South Carolina, and Mississippi; it is also the case in Lewiston, Idaho, Bluefield, W. Va., Haverhill and Gloucester, Mass., and Berkeley and San Diego, Cal.

Nomination by the mayor, subject to confirmation by the rest of the board, is the rule in Houston, Dallas, Denison, Waco, and Palestine, Tex. In Memphis, each commissioner nominates the subordinates in his department, the board electing them; a similar provision, substantially, exists in the charter of Grand Junction, Col. Removal is by the mayor alone or by the council in Houston and Denison; and by the head of the department, with the consent of the mayor, in Palestine. In Colorado Springs each commissioner recommends officers in his department; the mayor appoints them; day laborers and unskilled workmen in each department are employed and discharged by the commissioner in charge of that department. In Tacoma, each chief of a department appoints and removes in his own department, except the mayor, who appoints

in his own department, subject to confirmation by the council as a whole.<sup>1</sup>

The power to create new offices, to appoint their incumbents and to discontinue and abolish such offices at will, are provisions which add greatly to the efficiency of a city government. They are found in nearly all the commission plans, as are also provisions granting power to the board to fix the salaries, prescribe and alter the duties and assign further duties, which are also present in a great number of charters. These enable the board to shift their officers and subordinates into more suitable places and to transfer duties, when necessary, thus insuring a considerable degree of elasticity.

Not only large appointing power but administrative oversight of a comprehensive and far-reaching character is given by specific provision of the charter or state law, in most cases, to the commission or council; at the same time, in practically all instances the individual commissioners are heads of departments. The board of commissioners, provide the Galveston and Fort Worth charters, "shall have control and supervision over all the departments of said city, and to that end shall have power to make and enforce

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<sup>1</sup> In Texas there is a growing tendency to let the treasurership by contract to the highest bidder, the city treasurer being at the same time the city depository. The new charters of Austin, Amarillo, Corpus Christi, Dallas, and Palestine all contain such a provision. The contract goes to the bank which offers the largest interest on city deposits. Dallas and Austin pay a nominal salary of \$5.00 per year. In Dallas, the city auditor is nominated by the bank presidents of the city.

such rules and regulations as they may see fit and proper for . . . the organization, management, and operation of all the departments of said city, and whatever agencies may be created for the administration of its affairs." Moreover, "they shall, by majority vote of all said commissioners, designate from among their members one commissioner who shall be known as 'police and fire commissioner'"; and one commissioner to be head of each of the other departments.

"Said commissioners," says the Dallas charter, "shall perform all of the executive duties of the respective departments to which they may be assigned, as above provided, but said board, *as a whole*, shall have supervision of, and be responsible for, the administration of each of said departments." Substantially the same provision occurs in the charter of Austin, Tex.

All appointive officers can be removed for cause, and in most cities without specific cause, whenever the city's interest may be benefited by their removal. The general laws of Illinois, Iowa, Kansas, North and South Dakota, Mississippi, South Carolina and Wisconsin, and the charters of Amarillo, Austin, Berkeley, Bluefield, Boise City, Charleston, Chelsea, Colorado Springs, Corpus Christi, Dallas, Denison, Enid, Fort Worth, Galveston, Gloucester, Grand Junction, Haverhill, Lewiston, Marshall, Palestine, San Diego, Tacoma, and Tulsa, provide for removal of all appointive officers by the council either by a three-fourths or simple majority vote, with the exception of certain officers in a few of these cities. Tulsa excepts the city attorney and corporation judge; Lewiston, the con-

troller; Amarillo, the city attorney, city secretary, and corporation judge; and Dallas, the auditor, city attorney, and corporation judge. Some of these cities also give the removal power to the mayor or heads of departments in certain instances. Boise City also gives it to the mayor. Palestine gives the power of removal to the appointing officer with the permission of the mayor, in addition to the power possessed by the council. Enid gives the commissioners this power irrespective of the approval of the mayor. In some cities a specific cause must be assigned, and the officers sought to be removed given notice and a chance to be heard before a removal is made. But by far the greater number of cities provide for removal without cause, when the proper officials believe the city's interests will be benefited by such action. Boise City provides that no removal shall be made on account of political or religious beliefs. Most cities provide that the officer or body making the removal shall give the reasons for such removal in writing, when so requested by the one removed, and that the reasons given shall be spread upon the records of the city. Greenville and Houston give the power of removal exclusively to the mayor with the exception that in Houston the council may by a four-fifths vote remove the mayor. El Paso gives to the mayor power to remove his own appointees, and to the council power to remove its appointees. Memphis makes no provision for removal except by impeachment. Day laborers are usually discharged by the one hiring them.<sup>1</sup>

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<sup>1</sup> See University of Wisconsin *Bulletin*.

The power of the board or the mayor to assign the departments tends to make the commission still more of a unit in its responsibility to the voters, enabling it to control any individual member.

In connection with its other duties the commission is given authority to levy taxes, to vote appropriations and, in general, a broad control of the finances of the municipality. Making up the annual budget of expenditures is thus placed in the hands of the commission. Each commissioner is required to submit usually to the mayor thirty or sixty days before the time of making up the budget, estimates of the amounts which will be needed during the ensuing year to properly run his department, and the revenues which his department can probably be counted on to yield. The mayor submits all the estimates so made to the board as a whole, which determines the amount of expenditures, the tax rate, and the allotment to each department. Extravagance of expenditure is prevented by the provision found in many charters that the total amount appropriated by the budget shall not exceed the estimated income. Another clause frequently included provides that after the appropriations are once fixed they cannot be increased, unless the income estimated has been exceeded by actual receipt. Sometimes, as in the Memphis charter, the board is allowed to spend more in one department than at first estimated if the amount be taken from other departments, the total expenditure not exceeding that at first agreed upon.

In Colorado Springs, Lewiston, Idaho, and in sev-

eral other cities the mayor may veto separate items in appropriation measures. In the charters of Amarillo, Ardmore, Boise City, Colorado Springs, Corpus Christi, Denison, Enid, El Paso, Greenville, Houston, Lewiston and Tulsa the mayor is given the veto power, but in other cities he is not, but has a vote, the same as other members of the board of commissioners. In Ardmore, Boise City, Enid, and Lewiston he is given no vote except in case of a tie, and, in Lewiston, in the case of appointments. Tulsa denies the mayor a deciding vote in the confirmation of his appointments. In Amarillo, Corpus Christi, Denison, El Paso, Greenville, and Houston the mayor has both a vote as a member of the board of commissioners and the veto power. Amarillo and Huntington provide that every member of the board of commissioners present must vote on all propositions coming before it, and must have his vote recorded. In the Kansas law for cities of the second class, the city attorney casts the deciding vote in case of a tie. In other cities the additional powers of the mayor are merely those of a presiding officer. Care in auditing the acts of the departments is provided for in some charters; while others require an annual examination of the city's accounts and authorize the mayor to appoint experts to examine them. The board of commissioners frequently acts as a board to equalize the assessment of taxes; and sometimes sits as a civil-service commission.

The powers of the commission, therefore, are much greater than those of the usual city council, including, as they do, close administrative oversight as well as

legislative authority, the appointment of subordinate executive officers, and the exercise of such financial and incidental powers as are necessary. Yet such concentration of control has proved most successful in the field of business, where similar problems of organization have to be met and efficient collective action taken in behalf of a large group of interested members of the corporation.

A fourth characteristic present in all commission types examined is the assignment of each commissioner to be the head of a definite department, for the conduct of which he is responsible to the commission, and to some extent directly to the people.

"The working of the municipality shall be divided into departments, with one of the commissioners at the head of each department," is the simple wording of the Mississippi law. These two features seem to go together—the collective responsibility of the board for the efficient administration of city affairs, and the individual responsibility of the separate members as heads of the administrative departments. The charter of Fort Worth, after the same general provisions as those of Galveston, adds the words, "it being the purpose of this act to charge each commissioner in control of a department with its management, and to fix directly upon him the responsibility for its proper conduct."<sup>1</sup>

In general, the commissioners exercise approximately equal authority, each in his separate of-

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<sup>1</sup> Chapter II, Section 16.

fice, except the mayor, who will receive special mention.

It should be noted that the commissioners do not look after the details of the work of the departments; they have superintendents who do all this. The commissioner of water, lighting and sewerage has a superintendent of waterworks, a superintendent of lighting, an electrical inspector, and an inspector of plumbing, under his direction. The commissioner of streets and public improvements has a foreman in charge of paving, cleaning, sidewalk construction, grading—differing in number and duties with the size of the city and the amount of work to be done. The office of commissioner of finance usually includes the assessor and collector of taxes, and the auditor, with their necessary assistants and clerks. The commissioners have only the larger aspects of the city's work to deal with. They are managers, and together constitute a managing board.

The mayor is a member of the board, and presides at its meetings, with the right to vote on all questions. He signs ordinances, contracts, and warrants on the treasury, and performs other ministerial acts. He also usually possesses certain emergency powers, such as the right to summon special policemen in times of riot or epidemic. He presents the budget to the council. He calls special meetings of the board. The mayor is the chief executive officer of the city, in which capacity he frequently, as in the case of Des Moines, is made the head of the department of public affairs, having oversight of municipal matters as a whole, and

having under his control the corporation counsel (city attorney), city clerk or secretary, and sometimes one or two additional officers.

The distinctive feature of the mayor's office, in the commission plan, is that he is one of the council, voting, but having lost the veto power so usual under the aldermanic form of government. Most commission charters so provide, but there are exceptions. He has both vote and veto in Houston, Dallas, Denison, Greenville, Corpus Christi, and Amarillo, Tex., and in Lewiston, Idaho. In most of these cities he occupies the unusual position of being able to veto an ordinance passed by the board, and then as a member of the board vote not to overrule his own veto. As it usually requires a four-fifths or a two-thirds vote to override a veto, the mayor and one commissioner can control. In High Point, N. C., the mayor has only a veto. In Colorado Springs he votes but has a veto also on appropriation items. In El Paso he has a veto and a vote in case of a tie on the board. Usually, however, the veto power has been transferred to the voters as a whole, by means of the referendum. In Huntington, W. Va., a citizen board of sixty-four members is given the right of veto on ordinances; as is also the case in Bluefield.

In Galveston the name of mayor appears as mayor-president, but has elsewhere been generally retained without change. In Marshall, Tex., he is known as the chairman of the board; in North Dakota, as the president of the board. In Grand Junction, one of the commissioners is designated commissioner of pub-

lic affairs, and is ex-officio mayor. In Colorado Springs the mayor is commissioner of water and water-works; in Memphis, of public affairs and health; in Tacoma, public affairs, health, and sanitation.

Broadly considered, the mayor, under the commission form of government, is merged in the board, whether the latter be called council or commission; the mayor's veto generally disappears; as one of the governing board he has equal voting power; by virtue of his emergency authority and his general oversight of public affairs, his position is somewhat more influential than that of the other commissions. But he acts as a part of the ordinance-making body, and the other members share his former administrative control; and both together exercise the appointing power. The combination of these three functions, together with the necessary control of finances, is emphasized from whatever side the commission system is approached.

There are several advantages which result from concentrating power so completely in the hands of a single small group. First, from the point of view of the voter and the citizen it focuses attention on the offices, because more important, and, aside from the fewness of the number to be filled, compels a knowledge of the candidates. Further, after election, the public can remember who the commissioners are; the simple division of duties is an arrangement that the citizen with a complaint or an inquiry to make finds most useful. He not only knows who is in charge of a department, but who is to blame if bad conditions

are not remedied. In this way, not only is the commissioner held accountable to the board, but public opinion may reach down through the board and know who is careless among the commissioners. Usually, however, the board can be relied upon to bring an unsatisfactory member to time by failure to approve his plans or confirm his recommendations for appointments. If not, there is the recall; which will be considered later.

The board itself, moreover, can do better work when clothed with sufficient authority. Nothing blights the hopes of a city boss so effectively as giving the governing board power enough to run the city's affairs without his help. For, indeed, why does the boss exist? With municipal authority divided among mayor, councilmen, and elective chief of police, assessor, attorney, engineer, and other officers the boss gathers up the loose ends of power and wields them for his own benefit. To some degree, he unifies the city government, often determining upon a policy for the municipality and carrying it through by means of his control of all the divisions of official authority. He may thus perform a real service in supplying missing cogs in the machinery, and make otherwise disconnected wheels and springs work together in a single compact municipal mechanism. But it is likely to be also a political machine, operated for private benefit. If the boss actually renders a useful service to the city, he exacts an exorbitant compensation in the way of rake-offs or graft. The remedy is not to rail at the boss, but to secure a new piece of governmental machinery, which shall be, to begin with, a unit in

itself needing no "expert" boss to thrust in needed cogs here and there to make the wheels work. The machinery should be provided with direct and effective starting and regulating levers, so that control may be easy and sure. The controlling levers, in the city's governmental apparatus, under the commission form, are the referendum, the recall, the initiative, and similar improved appliances which are being included in most of the recently constructed municipal machinery. If the referendum is a brake, the initiative is a starting lever, and the recall a device to throw a defective belt off the pulley, in order to replace it with another.

Not only is it important that sufficient power should be possessed by the governing body to enable it to perform its duties well, but methods of control must also be provided to insure control by the people; otherwise, despotic and arbitrary acts of officials have no remedy.

The "checks" provided in the commission charters include: (*a*) publicity, both of proceedings, of ordinances, of franchises and of the general and financial condition of the city; (*b*) the referendum; (*c*) the initiative; (*d*) the recall; (*e*) nonpartisan primary and election methods; (*f*) a civil-service commission; and other and minor provisions.

Of these "checks" and safeguards, some appear in nearly every charter, while others occur less frequently. The following tables summarize the principal means of popular control provided in the different charters and general laws. The degree of publicity, the extent to which the referendum is appli-

cable, the percentage of signatures required for the recall—indeed, nearly every item differs in some respect from the corresponding provision of other charters, but the definite presence of the principle involved is sufficient to place it here in the columns “publicity,” “referendum,” or wherever it may belong. The details of the provisions of each charter cannot here be presented, for lack of space; these tables are intended as a broad résumé of all the charters:

SUMMARY OF “CHECKS” PROVIDED IN COMMISSION CHARTERS  
AND LAWS

STATE LAWS.	Publicity.	Referendum.	Initiative.	Recall.	Nonpartisan Primaries.	Civil-Service Commission.
Iowa.....	x	x	x	x	x	x
Kansas: Cities of the 1st class	x	x	x	x	x	x
Kansas: Cities of the 2d class	x	x	x	—	—	—
Wisconsin.....	x	x	—	—	x	—
Minnesota.....	2	2	2	2	2	2
Illinois.....	x	x	x	x	x	x
North Dakota.....	x	x	—	—	—	—
South Dakota.....	x	x	x	x	x	x
Texas. (General Law) <sup>4</sup> .....	—	—	—	—	—	—
New Mexico.....	—	x	—	—	—	—
South Carolina.....	x	x	x	x	—	x
Kentucky.....	x	x	x	—	x	—
Mississippi.....	x	x	—	—	—	—
Louisiana.....	x	x	x	x	—	—

<sup>1</sup> Nonpartisan primaries allowed only in cities of over 10,000 population.

<sup>2</sup> Any city adopting the commission plan may include this feature.

<sup>3</sup> Civil service of 1895 may be adopted by any city.

<sup>4</sup> Applies to cities of less than 10,000 population.

SUMMARY OF "CHECKS" PROVIDED IN COMMISSION CHARTERS  
AND LAWS—*Concluded*

CITY CHARTERS.	Publicity.	Referendum.	Initiative.	Recall.	Nonpartisan Primaries.	Civil-Service Commission.
Galveston, Texas.....	x	—	—	—	—	—
Houston, Texas.....	x	x	—	—	—	—
Dallas, Texas.....	x	x	x	x	x	x
Fort Worth, Texas.....	x	x	x	x	x	x
El Paso, Texas.....	x	x	—	—	—	—
Denison, Texas.....	x	x	—	x	x	x
Austin, Texas.....	x	x	x	x	x	x
Greenville, Texas.....	x	x	—	—	—	—
Waco, Texas.....	x	x	x	x	x	x
Palestine, Texas.....	x	x	—	x	x	x
Corpus Christi, Texas.....	x	x	—	x	x	x
Marshall, Texas.....	x	x	x	x	x	x
Amarillo, Texas.....	x	x	x	x	x	x
Lewiston, Idaho.....	x	x	x	x	x	1
Huntington, West Virginia.....	x	x <sup>2</sup>	—	x <sup>2</sup>	x <sup>2</sup>	x <sup>3</sup>
Bluefield, West Virginia.....	x	2	—	—	—	x <sup>3</sup>
Memphis, Tennessee.....	x	x	—	—	—	x
High Point, North Carolina.....	x	x	—	—	—	—
Haverhill, Massachusetts .....	x	x	x	x	x	—
Gloucester, Massachusetts .....	x	x	x	—	—	—
Lynn, Massachusetts.....	x	x	x	x	x	x
Colorado Springs, Colorado.....	x	x	x	x	x	x
Grand Junction, Colorado.....	x	x	x	x	x	x
Berkeley, California.....	x	x	x	x	x	x
San Diego, California.....	x	—	—	—	x	—
Oakland, California.....	x	x	x	x	x	x
Tacoma, Washington.....	x	x	x	x	x	x
McAlester, Oklahoma.....	x	x	—	x	x	4
Sapulpa, Oklahoma.....	x	x	x	x	x	4
Ardmore, Oklahoma.....	x	x	x	x	x	4
Enid, Oklahoma.....	x	x	x	x	x	4
Tulsa, Oklahoma.....	x	x	x	x	x	4
Bartlesville, Oklahoma.....	x	x	x	x	x	4
Muskogee, Oklahoma.....	x	x	x	x	x	4

Notes to table of City Charters will be found on page 128.

<sup>1</sup> Mayor and council have power to provide for selection of agents, officers and employees of the city under civil-service rules.

<sup>2</sup> Board of commissioners acts as civil-service board.

<sup>3</sup> A citizen's board exercises both referendum and recall.

<sup>4</sup> May have either partisan or nonpartisan primaries, in accordance with state constitution.

Which of these "checks" is most important and therefore most necessary of inclusion in a city charter is a question difficult to answer, because there is no means of determining the value of each safeguard separately with any degree of exactness. Publicity features are certainly indispensable, for the public must know what ordinances are passed and what is the condition of the city in its many departments, in order to intelligently use any of the other safety devices. The referendum and initiative naturally go together; and while the former is likely to be more frequently employed, the experience of Oregon shows that, in state affairs at least, the latter will not be unused. The two together constitute a unit, supplying a continuous control of legislation. The recall is of no less value for its continuous control of legislators—in a municipality, the city commissioners. Non-partisan primary and election features seem to be clearly helpful, and there is a present demand for a municipal civil service in connection with the other provisions. While it is possible that the relative importance of these controlling levers, all of which are in the nature of improvements, is about the order given, one will scarcely venture a dogmatic conclusion until after a longer period of trial has supplied more data.

The broader question as to what element of the five noted as fundamental parts of the commission form is most essential and the cause of the great improvement in governmental efficiency, is of much greater import. It is even more difficult to answer. Is it more important to give the governing body adequate power or to hold it strictly accountable to the will of the people? How can these two elements be separated? Are they not the two sides of the shield? Should not power and responsibility go together? The great fault of the aldermanic system is that not only are there not provided adequate means for holding councilmen responsible to their constituents, but there is not enough power granted to the council to enable it to direct the city's activities rightly. These two principles, inseparably connected, and each given its proper weight, lie at the bottom of all well-conducted collective enterprises, corporate or governmental.<sup>1</sup>

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<sup>1</sup> Dr. Bradford, whose investigations have been presented to the National Municipal League, and which constitute the basis of this chapter, will shortly publish a volume giving his observations and conclusions in greater detail.

## CHAPTER VII

### POPULAR ARGUMENTS FOR COMMISSION GOVERNMENT

It is at once interesting and instructive to the student of city government by commission to examine the arguments advanced for the system by its advocates. These are made up of students and administrators: of those who live in commission-governed cities and those who want the plan adopted in their own communities. We find lawyers, manufacturers, business men generally, newspaper men, civic workers, municipal officials, and investigators uniting in advancing reasons for the extension of the system. Thus we find the Joint Committee of the Commercial Club and the Common Council, of Duluth, Minn., issuing the following statement of their reasons for favoring commission government:

1. Because it establishes the city on a business basis and under it the city is operated as any large commercial corporation would be, thus eliminating political interests of all kinds.
2. Because it centralizes responsibility so it cannot be evaded.
3. Because it facilitates and expedites the transaction of business and the making of public improvements.

4. Because it naturally follows that greater economy will result from such a purely business administration.

5. Because it provides, or should provide, that the commissioners shall give all their time to the city's business, and that they shall be paid salaries sufficient to attract the right kind of men.

6. Because the provisions of the referendum, initiative, and recall give the citizens greater responsibilities, greater interest in public affairs and greater incentive to participate in them.

7. Because it abolishes the ward system by electing city officers from the whole city, makes them responsible to all parts of the city, and compels them to take care of the needs of all parts of the community.

The *Kansas City Star* has been the leading proponent of commission government in the Central West beyond the Mississippi. It has editorially set forth the merits of the system and has sent its editors out, in response to urgent calls, to declare by word of mouth what may be expected. It has condensed its argument into a leaflet which has been widely circulated. It is quoted from in this connection to show the arguments which have prevailed in that section of the country where commission government has had the greatest vogue. Also to show the successful and public-spirited newspaper's point of view.<sup>1</sup>

Here are the more important points in favor of

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<sup>1</sup> The pamphlet, which is here reproduced only in part, may be had upon application to Col. Wm. R. Nelson, the proprietor of the *Kansas City Star*.

the system contrasted with old plans in vogue in most American cities:

Commission government is the application of modern business methods to the conduct of municipal affairs. It concentrates responsibility in the city government and exacts accountability from those elected to administer the public business, thereby making efficiency the principal requirement in civic rule:

It abolishes the old ward representation plan which provides for a mayor and one or two aldermen from each ward, and substitute therefor a mayor and four commissioners elected by all the people.

Under the old rule the mayor and councilmen are elected as representatives of a political party, or as the "citizens'" or "business men's" candidates, or as representing some particular faction among the citizens.

Commission government establishes a standard in municipal affairs. It requires the commissioners to do certain things or forfeit their office.

Ward government requires nothing in particular, establishes no order of procedure, and exacts no accountability for failure to do what the people demand.

Commission government requires that one commissioner shall be responsible for enforcing the laws and maintaining an efficient fire department;<sup>1</sup> of another commissioner that he keep the streets clean and in good repair; of another that he collect the taxes and supervise the revenues, etc. If there is failure in any

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<sup>1</sup> While the specific references in the *Star's* leaflet are to the Kansas law, their import is of general significance.

department the commissioner responsible for that department cannot say that it was occasioned because the other commissioners were negligent in their departments, or that he was forced to employ incompetent assistants. Neither can he offer any of the excuses so common under the old regime. That department is under his exclusive management; the authority to employ competent help or to discharge incompetent help is his. If there is failure the failure is his, and every citizen of the municipality knows where to place the blame.

Ward government provides that "the mayor and council" shall perform the general services mentioned in the statutes. Nowhere is there provision for individual obligation. The enforcement of law rests with "the mayor and council"; the streets are in charge of "the mayor and council"; the collection of taxes and the supervision of revenues is intrusted to "the mayor and council." The best and most capable man in the council can render no greater service to the city than the most incompetent, because there is no provision made for the capable man to do more than the most incompetent will permit him to do. And where there is failure, no citizen of the municipality is able to place the blame anywhere except upon "the mayor and council."

The commission plan provides a government at work every day in the year. If an emergency arises the municipality can meet it; if there is a complaint on the part of a citizen anywhere it can be answered and corrected the same day; if there is a street to re-

pair, a defective catch basin that overflows, a sidewalk to mend, a telephone call to the city hall is all that is necessary to bring the workmen at once to remedy the complaint.

Under the old ward plan the council meets perhaps once each week—at night. The municipal government is actually at work two or three hours every seven days. If a citizen has a complaint he must visit the council at night; his complaint is referred to a committee; the committee meets in another week and refers the complaint to the superintendent of streets, who refers it to a foreman, who takes his time to investigate the trouble and refers it back to the street superintendent. The superintendent refers it back to the council committee and the council committee refers it back to the council, where it goes over under the head of unfinished business for another meeting.

The contrasts afforded in the foregoing provisions of the ward representation plan and the commission form of government fairly illustrate the distinction between the old rule and the new, and clearly illustrate the advantages of commission rule over the present system of ward government.

Commission government does not increase power—it increases responsibility. The commissioners are, as a matter of fact, prevented from the exercise of such harmful powers as granting important franchises, bartering public privileges that belong to the people, or filling the public service with political friends to pay political debts at public expense, by the ample safeguards of the referendum and the civil

service. The power of a dishonest official to remain in office or one who uses his position in any way to oppose the best interests of the municipality is also taken away by the wise provision of the recall. The power of the commissioners to defy public sentiment by refusing to enact ordinances, such as the people demand, is entirely eliminated by the initiative.

Yet the legal power and authority to do all these things are not only vested in the mayor and council under the old ward plan, but they are exercised to the detriment of good government and at the taxpayer's cost.

Commission government restores to the people the right to vote upon all public grants, to recall incompetent or dishonest officials, and to pass, by popular vote, any ordinance desired by the public, and while it gives this additional power it does not take from the people a single privilege which they have under the old ward plan.

The concentration of responsibility should not be confused as meaning increase of power. Commission government simply reenacts the old statutes governing municipalities and designates the individual responsibility for executing them. It provides real representative government. Every citizen is represented by every member of the commission. He has a vote in their nomination and their election. Under the ward plan every citizen votes for the mayor and the members of the council from his ward. In Kansas, for instance, there may be two councilmen from each ward, and, in some of the cities, six wards. That

means twelve councilmen. Every voter casts a ballot for one twelfth of the total membership once each year, and never has a voice or vote in the nomination or election of but two of them. What about the other ten? They legislate for the entire city; appropriate funds for the entire city; levy taxes upon every citizen. But the citizen does not have the opportunity to vote even for a majority of them. Whatever the intent might have been in the division of cities into wards, it certainly resulted in an effectual bar to representative government for the people.

Commission government remedies that evil influence in municipal rule. It obliterates ward lines entirely and makes the commissioners the representatives of the whole city. Every voter has an equal part in selecting them and an equal claim upon their services. His influence, so far as the vital feature of the ballot is concerned, is just six times more powerful in municipal elections than it is where twelve councilmen are elected under the ward plan.

It must be apparent that a scheme of civic rule which enlarges the exercise of franchise for every citizen cannot be characterized as a departure from the spirit or the letter of representative government.

The objection of increased cost in commission government prompts the inquiry as to what the people of any municipality can afford to pay for good government. The old ward plan with its reckless waste of funds, its neglect of public business, its irresponsible, haphazard system, which proverbially spends money for the wrong thing and leaves nothing to

spend for the right thing, is the most expensive institution in the municipality, although the councilmen receive but nominal salaries. The people are taxed to the limit, but there is never a surplus in the treasury. No business man in any city would permit his private affairs to be conducted for a moment as municipal business is conducted under the old ward plan. It would be entirely too expensive.

Commission government provides that ample salaries shall be paid the mayor and commissioners, in order to insure the election of capable men. But the best answer to the objection that the commission plan would entail a financial burden is found in the results of the new rule in every city where it has been thoroughly tested. In Galveston, Houston, Dallas, Des Moines, Cedar Rapids, and Leavenworth it has proved to be a dividend-paying investment.

These arguments of the *Kansas City Star* are based upon long-extended observation on the ground and a deep and abiding faith in democracy. They are valuable not only in themselves, but as showing how the system appeals to shrewd, hard-headed, successful newspaper men, who are desirous of making their paper a true organ of sound public opinion and a leader in public affairs.

Dr. Ernest S. Bradford, whose paper forms one of the chapters of this book, represents the point of view of a careful, studious investigator. He gives it as his opinion based upon a personal visit to a large number of commission-governed cities in all parts of the country that the commission form is important

because it recognizes, first, the need of power reasonably centralized and hence gives the council administrative and appointing power as well as legislative authority; and, second, because the means of popular control provided are direct and many: publicity of proceedings of council or commission; means of referring all ordinances, including franchises, to the people; means of bringing a public servant up sharply for a vote of confidence or lack of confidence; means of eliminating national politics from municipal elections; means for insuring a system of appointment for merit among employees and assistants; that wards are abolished, that the councilmen are all elected by all the voters. This is a valuable part of the plan, but not the most important.

That a few men—a body of five or three commissioners—are chosen to act as a managing board, instead of fifteen or twenty, or two boards of thirty or forty each, is decidedly better for both the voters, who have fewer men to elect, and for the commission, which becomes a smaller and more compact body for action; but this is only one among several important features. Both the "short ballot" and election-at-large are safeguards injected into the system, prior to election, and hence fundamental in determining the conditions under which officials are chosen; yet they are not sufficient. Control must be adequate after election also, and the more and better the means of control the less is it likely that there will be need to use them.

One other important element of control must not

be lost sight of—closely connected, indeed, with the exercise of administrative power by the commission—and that is the division of duties among the commissioners. The simple and effective method of putting one commissioner in charge of each department at once conveniently subdivides the work and localizes responsibility. In each department, employees and subordinates and assistants and chiefs are accountable to the commissioner; the commissioner is, in turn, chargeable to the entire board for his department; and both single commissioners and the board as a whole are answerable to the people for the proper conduct of all the city's affairs. There is no break in the chain of responsibility. There is enough power; it is definitely located; it is simply organized; it is linked with means of enforcing accountability. A few men are elected, and upon them is the burden. The similarity to the business corporation is marked. The same chain of responsibility was there successfully worked out long ago. American business is contributing its best element, its effective form of organization, its excellent machinery for collective action, to city government. In place of careful attention to the cutting down of operating expenses and the increase of receipts in order to yield resulting profits, there is substituted a careful attention to cutting down operating expenses and increasing public revenues (aside from taxes) for the general benefit. The same means are used in both instances, but for different ends. Business methods are applied to government. In the past it has been assumed that because the ends were dif-

ferent, different methods must be used in governmental administration from those of private business. In some few respects they are different; for example, the government will probably never push the rate of wages down to the limit sometimes forced by private business, but the same care to get value received may be exercised, similar economics and improved methods of reducing running costs and similar energy in securing a reasonable return for service rendered, may be sought; similar correct principles of organization may be followed. The commission form is the first earnest attempt to apply to governmental conditions the successful experience of the corporation, no less significant because first inaugurated to meet a crisis, no less substantial because adopted rapidly. The American citizen believes thoroughly in commission government for cities, not because it is called a commission, nor because it seems new, but because he is thoroughly familiar with its main principles as applied in business, he welcomes it with genuine enthusiasm, and is not surprised when it repays his confidence with financial, moral, engineering, and general civic improvement.<sup>1</sup>

There is a form of argument, however, that is apt to react. It is one which claims too much. To illustrate, a certain editor of Des Moines, in an interview in an out-of-town paper, claimed that "the red-light district" of that city had ceased to exist.<sup>2</sup> This

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<sup>1</sup> See *Proceedings* of the Buffalo Meeting of the National Municipal League, 1910, pages 276-78.

<sup>2</sup> See the Winnipeg *Farmer-Tribune*, August 10, 1910.

claim was heralded far and wide, only to meet with refutation a few months later when charges were preferred by the Iowa Law and Order League to the effect that Des Moines was a wide-open town. An investigation was held promptly—for this the commission was entitled to credit. The responsibility for the conditions upon which the charges were based was speedily fixed and the situation controlled in the interest of decency and morality to the credit of the commission.

Good government depends primarily upon men. Good laws may help. Good men are essential. The red-light district or its equivalent will exist so long as men continue the practice of a double moral standard, so long as men regard self-indulgence as more to be desired than self-control. No law will make men moral. It may tend to remove a certain amount of temptation. It may make wrongdoing difficult instead of easy of accomplishment. On the other hand, laws may be so complicated, so difficult, that the practice of virtue may be made difficult. A democracy owes it to itself to have the laws so drafted as to facilitate virtuous action and to obstruct vice and viciousness.

A recent writer dwells on the fact that the commission government in Des Moines had been successful, but adds that the people of the city are united in the determination to have a certain quality of city government, and this is the real secret of the success of commission government there and elsewhere. The movement for this form of government has been coincident with the development of a new civic conscious-

ness in the American people. To-day they are more intolerant of inefficient and defective municipal government than ever before. To-day they are more insistent on higher standards and less indulgent toward those whose interests are opposed to theirs.

## CHAPTER VIII

### POPULAR ARGUMENTS AGAINST THE SYSTEM

AT the Buffalo meeting of the National Municipal League there was a vigorous argument *pro* and *con* on the merits of commission government, incident to the presentation of Dr. Bradford's paper.<sup>1</sup> Among the addresses against the commission government of cities, both large and small, but especially the large, was that of Ansley Wilcox, Esq., of Buffalo. It is reproduced here as showing the grounds of objection as urged against the plan. In substance Mr. Wilcox said:

Fortunately, there are many things upon which we all agree, and these can be stated and passed away from at once. All of us present here are undoubtedly in favor of reformation in the old American forms of city government, of which Buffalo has rather a bad example—not the worst, but bad enough—calling for radical improvements, either by way of an entirely new charter or a very decided simplification of our present charter. All of us favor the highest degree of publicity in municipal affairs; all of us favor the

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<sup>1</sup> See Chapter VI.

most effective form of popular nomination of municipal candidates—direct nominations, if that is practicable, and most of us believe that it is practicable, at least in cities; all of us favor a short ballot for cities, few officers to be elected, and such simple, safe, and sure electoral machinery as will enable the voters most readily to record their choice and make it effective; all of us favor the thorough and effective application of the merit system, through civil service laws and rules of the highest efficacy; all of us favor the simplest form of city charter, which will fix responsibility directly upon those who possess power; all of us are in favor of home rule in the highest degree that is possible—that is, giving our cities the largest possible degree of authority to rule themselves, even to make their own charters, if that is desirable, and many of us think that it is.

Then we come to the question whether a particular method by which it is sought to accomplish these results is the best one, either as applied to cities in general or as applied to the larger class of cities, of which Buffalo is one, and that brings us to the topic of the day, the commission form of government, as applied to the larger American cities, meaning cities of more than 200,000 inhabitants, we will say, to take a fair dividing line.

The conspicuous thing about the history of this movement in these last nine years since it started after the flood in Galveston, in 1901, has been that it has been applied to a large number of small cities, none of which, I think, reaches 100,000 in population, ex-

cept Memphis, which has about 150,000. Memphis adopted it within the last year, and has not yet given it anything like a trial; but Des Moines and Kansas City, which had adopted it before, have each about 85,000 inhabitants, and they were the largest up to the time when Memphis adopted it, if I am rightly informed.

Another fact to which attention should be called is that most of these cities, even as small cities, have tried the plan for only a short time. There is one sentence in Dr. Bradford's paper that I regret, because, although I know he did not mean to misstate the facts, yet I think that people who read it casually will misconstrue it. That is where he says the results in those cities which have had the plan for two, three, five, or nine years, are so unmistakably favorable that an impartial investigation cannot but be impressive. If you look at the table which Dr. Bradford prints, you will find but one city has had it nine years, and that is Galveston, which has not had the commission form in the sense here or anywhere else advocated, but a very different form of commission government, without the features urged upon Buffalo and now urged by all those who advocate the plan. Only one other city has had it five years, and that is Houston, and that again has not had the features which distinguish the commission form of government as now advocated. Some six or eight cities—I have not counted them—have had it for about three years, and that is the longest period of trial that can be said to have been given to this system in any considerable

city, and in anything like the complete form in which it has now been worked out. Des Moines has had it for about two or two and a half years, and the other cities which are held up as examples, not more than that, but rather less.

The first inquiry in the mind of every serious man, who wants to decide this question on its merits, is whether any real trial has yet been given this new plan, if it is a new plan—and I do not think it is really new—whether it has had a period of trial which demonstrates its successful working. The old saying that a new broom sweeps clean is as applicable to this as to everything else. I venture to assert the proposition that any radical change in the form of a city government brought about by an awful physical disaster like that at Galveston, or as a revolt against the deplorable situation of affairs that existed in Des Moines, where they got down in the mire and had to lift themselves out, will produce at first good results in the main; but the question is, will they continue, will the plan work permanently even in those cities? But that I am not going to argue.

There are two things that are good about this Des Moines plan of city government. One is, as I have just said, that it introduces a change, and any change from a very bad condition of things is sure to be good for at least a little while; and another is that it is simpler and more comprehensible in many respects than our old typical system of divided responsibility—involving large numbers of elective officers, both administrative and legislative, and authority so split

up among them and their appointees that nobody has known whom to hold responsible when things have gone wrong. Putting the power all into the hands of five men is certainly simplifying it. The question is whether it is simplifying it enough, and that is one place where I think the plan fails.

As against this plan, I stand as a conservative in favor of the cardinal principles of American government, which I believe are as applicable to cities, at any rate to large cities, as they are to nations and to states; and the great cities of this country are in many respects more complex and more expensive organisms than the national government was at the time of the adoption of the federal constitution. The two radical defects in this proposed system are, first, that it is not a complete simplification of the city government. It is not a sufficient step in the direction of concentrating authority and fixing responsibility. There are five men to whom is given the executive authority and among whom the responsibility is divided. I object to this division of responsibility. I advocate one man—absolutely one. Then there is no escaping from responsibility. We do not need and do not want five generals for an army, or five masters for a household, or five mayors for a city, but only one. I am a stronger advocate of simplicity, in that respect, than the advocates of this plan are.

The second fundamental and radical defect in the system is that it is a combination of the legislative and executive functions of government in the hands of one small group of men. A body of five, as most of these

charters provide, is, I say, too many for the chief executive, because that should be only one. It is too few for the legislative work in a city of the size of Buffalo with its 425,000 people. Five may be enough for Des Moines and Cedar Rapids, but five cannot represent the entire sentiment of the city of Buffalo, and give reasonable room for division of opinion and for debate and decision of things by majorities. A majority of three in five is too small for legislative action of whatever character, in my judgment. At any rate, clearly and beyond debate, this commission plan of city government involves a fusion of all the executive and legislative powers in the hands of five men. It creates a bunch of five, who initiate everything, pass upon everything, carry through everything, and then certify everything. They make your laws, if you are going to have municipal laws, they make up your budget, they assess your taxes, they spend your money, they conduct your public works—then they certify themselves. They would be a true oligarchy, an elected oligarchy.

Now, that is not a system of government which is in accordance with American ideals, or with any other ideals that have ever worked permanently and successfully in the history of the world; and it has been tried, gentlemen, from the beginning of history down to the present time. There is nothing new about it—absolutely nothing new. It has been tried in many varying forms. It has been tried in the form of dictatorships, in Rome, in the form of triumvirates, in the form of committees of safety and of combinations

of men of every kind—if I had an hour instead of the remnant of fifteen minutes I could point out some of them to you—and it has not succeeded permanently or generally. If anyone thinks that there are exceptions to this statement to be found in the parliamentary forms of government, or in the government of cities by large elective councils in Great Britain, he will find on closer analysis that these are not real exceptions. Certainly these furnish no precedents for the commission government of cities after the Des Moines plan.<sup>1</sup>

We have tried commissions in Buffalo in branches of our city government. They have tried them in nearly every city in this country. We have governed our police by commissions, our parks by commissions, our public works by commissions. Commission government was for many years a fad in this country, and it has become discredited, so that of late we have been doing away with commissions and coming to single heads for departments having executive functions and some minor legislative functions, such as park boards, and police boards, and have been trying

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<sup>1</sup> On this point Prof. Augustus Raymond Hatton, of the Western Reserve University Association, Cleveland, said in the discussion: "I should like to correct the last statement Mr. Wilcox made in his speech, that the union of the legislative and executive power is everywhere unsuccessful. As a matter of fact, you would have a very hard time convincing the people of the English cities of the truth of that. There is absolutely no division of those powers, and that is true of most governments of the world working under the parliamentary system. I think we ought not to labor under the misconceptions as to what experience has shown in regard to these forms of government."

to concentrate responsibility in that way. In Erie County and throughout New York a commission elected by the people governs our counties. The board of supervisors is a commission government. It has never been creditable—always bad, even as compared with our city governments. To be sure, it is not just this kind of commission government. It is a larger commission; it is not elected at large, but by districts, but it is an attempt at the same thing. So I say there is nothing new about this idea of government by a commission.

But the one thing which up to this time we have always agreed upon has been that we wanted to simplify our city governments. It has been thought desirable to remove absolutely from debate the question as to who is responsible for good or bad government, by having one man at the head of affairs to execute the laws, with ample powers, and make him responsible.

That is the model for a city which was put forward by the National Municipal League in its "Municipal Program," adopted in 1899. It is the model which I want to hold up to the people of Buffalo and of other great cities, and which I shall strive for until the question is decided. I do not believe the people ever will decide against this plan and in favor of the Des Moines plan with their eyes open. We should elect a mayor in a city like Buffalo to execute the laws in all respects, to administer everything; give him the appointment of every administrative officer, even the financial officers, although there are some who stand

with me in the main, who think that in addition to the mayor we should elect one financial officer to handle the funds of the city. I think that is a weakness, and a departure from fundamental principles, and I do not believe in it. I believe the mayor should have the entire power of appointment and removal, including the chief financial officer, just as the President of the United States has in the national government.

Then, of course, we must have a legislative body, and this should also be simplified. We have tried the bicameral system in Buffalo for the past twenty years, nearly. I do not think it has been a failure—in some respects it has been a great safeguard; but I am perfectly willing to simplify matters by abandoning that. We have tried ward representation in our board of aldermen, and it has not worked well, with twenty-five small wards. Personally, I strongly favor reducing the number of our legislative body to about fifteen, perhaps combining the two chambers into one and electing some of them at large and some perhaps from large districts, much larger than our present wards, combining at least two or three wards into one. One great objection to electing them all at large is that we would get away from the short ballot by this; we would have a large number of names on the ticket at every election to vote for. The greatest desideratum to-day is for a short ballot, and this requires us to divide up the election of legislators to some extent by districts, in order to give the individual voter fewer names to think about, to debate about, when he comes to vote. But let us, by all means, simplify the legis-

lative body, certainly, in the way of reducing its number, and enlarge the electorate for choosing individual legislators as far as we practically can—these are practical, rather than theoretical questions—and then give the mayor a veto power over legislative action. Under that system we will have the highest degree of concentrated authority, the highest degree of simplicity, and we will not violate our American traditions, our American ideas of the division of the functions of government between the executive and the legislative branches.

It is perhaps possible that in a smaller community, under 100,000 people, or in a community as large as Memphis, the legislative function may be so slight that it can profitably be combined with executive functions. That is possibly true; I do not believe it, but I am not going to argue against it to-day, because it is not necessary. But I say to you, gentlemen, that the affairs of a city of the size of Buffalo, and still more when you go beyond Buffalo to the larger cities, like Boston, Philadelphia, Chicago, and New York, take you into a class of questions which cannot safely be intrusted to any five men, working either in camera or in public. If they work in public it means that they have newspaper men at their elbows, to find out everything they do or propose to do, and be informed in advance about the differences of opinion, thus preventing the putting through of negotiations for the benefit of the city. If they work in secret, they are crippled and hampered by the fact that in a body of five men three can manipulate the control

of everything, and the responsibility is divided so that the people cannot know who is to blame if things go wrong.

Here in Buffalo, to get back to the local situation, the proponents of this charter, based on the Des Moines plan, have said in the past, and I presume they say still, that they themselves would not recommend this plan to us unless it was safeguarded and protected by three devices—the initiative, the referendum, and the recall. Whether they still say so I do not know, but they certainly have said so in the past. They do not believe enough in their own system to foist it upon us without these safeguards. That discredits the system in advance. If it is not a safe system of city government to use without these prophylactics—then I do not think it can be said to be a very good system. It has been a serious question with regard to some individuals, whether their advocacy of this system is not based really upon their desire to introduce into the city government the initiative, the referendum, and the recall, by making us adopt them as part of a system that couldn't be trusted to get along without these adjuncts.

Now, the initiative, referendum, and recall may be good things. If I had time, I should like to discuss each one of them. To some extent I favor the referendum, but only to a limited extent. The initiative, I think, is unnecessary to legislate about, because we have it now for all practical purposes. The recall, I believe, will be fatal to any government that undertakes to live under it. But I cannot debate those

propositions within the remnant of my allotted time. What I do want to say is this. If these are good devices to try, for Heaven's sake let us try them without taking on this bad system of city government which would fail without them; because they might not prove to be such good things after all, and we might have to abandon them, and then what should we have left except the bad and unworkable form of government.

We can apply the referendum to the present form of city government. We certainly could apply it to the simpler form of government which I advocate. We can apply all these features to that form of city government, if they are good things. Therefore we do not need to adopt a form of government which they call new, and I call new only in some details, but discredited by history through many centuries, a government of divided responsibilities and commingled and confused powers—we do not need to adopt that plan of government for our large cities in order to take up these other expedients and try them—the initiative, referendum, and recall. We can try them, if it is necessary or desirable to do so, without first adopting a form of government which would be bad, admittedly bad, if these expedients should fail to work successfully.

Let me repeat, and attempt to sum up my position in a few words.

I stand, and shall continue to stand, for a simple form of city government, with a single executive head, the mayor, having power to appoint and remove all

other executive and administrative officers, like the President of the United States, but subject, of course, to laws regulating such appointments and securing a thorough merit system; and a legislative body of moderate size and broad powers, but strictly legislative. This should be preferably about fifteen to twenty-five men, according to the size of the city, some of them elected by large districts so as to preserve the old and popular idea of local representation, say nine in a city like Buffalo, and some elected by the whole city—I suggest six in Buffalo, but only three to be elected at one time, so as not to destroy the possibility of a short ballot.

This has been called the federal form of city government, because it is closely modeled on our national constitution; but I prefer to call it, and hope that it will be called the *American Form of City Government*, because of its resemblance to our national government, and because it is the legitimate development of American ideas and in harmony with our established institutions and settled principles of government.

Let us try to work along these rational lines, and not follow after false gods—especially as they appear to be old and discredited gods.

Later in the discussion Mr. Wilcox said:

I thought I had eliminated, so far as any local debate was concerned, a controversy over the degree of badness of our present form of city charter, by saying when I started out, that in this discussion of

the form of a new charter we were all agreed upon certain things; that we all agreed upon the need of simplifying the charter of the city of Buffalo, and others like it—upon a larger degree of popular control over the affairs of the city, upon a greater degree of publicity, and upon the need of other reforms.

The question is how to achieve these desired reforms. I will devote the ten minutes now allowed me to the merits of this question.

I want to point out, briefly, the fallacy of those who argue in favor of a control of the affairs of a city by a board of five men, from any supposed analogy to the management of great business or railway corporations. As a matter of fact the great corporations of this country do not furnish any sort of precedent or parallel for this form of government, but certain small corporations do. This is an illustration of the danger of assuming that because a small city may thrive under this system of government by a commission, a large city would thrive under it. In the case of small corporations, as has been correctly said, the stockholders usually attend the annual meetings to vote for directors, they take an interest in the annual reports, and they actually do select the directors, who, to some extent at least, direct the affairs of the corporation. In the case of the great railroads and industrial corporations, whose affairs are extensive, and whose stock is widely dispersed, it is fallacy to say that there is any popular election of directors. Of course, the stockholders are always notified of annual elections and given a chance to vote; but the

ticket is made up by the old managers or by a few controlling stockholders, and there is ordinarily no chance for any opposition or for any other ticket to be elected. The majority of the stockholders do not vote willingly. They do not vote at all except as they are drummed up and asked again and again to vote by proxy, for the sake of supporting the administration if nothing else, where there is no contest. They send you their forms and beg you to send a proxy, and give you a stamped envelope to mail it in, and then send personally to ask you for it, if you haven't sent it, in order to get the votes out. Finally, all the votes are cast by the man who holds these proxies.

In this way directors of a big corporation are elected in form, but they are in effect self-perpetrating bodies, except after some great change in the ownership of stocks. If there is any one fact that has been patent in American industrial history for the past fifty years, it is that the directors of large corporations have not directed their affairs. A vast amount of criticism has been poured out upon the typical board of directors for not attending meetings, for not knowing what is going on, for allowing executive officers to run the corporation; and that criticism has been to a large extent just. I myself carried a case to the United States Supreme Court based upon that very proposition, in the endeavor to hold the directors of a national bank personally responsible for staying away from the bank and allowing the president to ruin it, through their nonattention to their duties.

The law on that subject was not settled then, and is practically not well settled now. Although the Supreme Court, in my case, laid down some good general doctrines as to what directors ought to do, it did not hold them responsible for what they had not done in that particular case.

As a matter of fact, the great corporations are controlled by a few big stockholders who have major interests in the stock, who make the board of directors by voting for them, who control them after they are elected, who practically select the president and the executive committee that may work with him. Such an executive committee, where it exists, is usually made up to work in harmony with the president, and under his domination. The president, or some one man, however named, is usually the executive force in control of a great corporation in this country. That is absolutely correct, as a statement of practical results, whatever may be the theory of corporate management. Surely there is no precedent in this practice of corporations that we want to follow in our city governments. No inference in favor of the commission plan of city government can be drawn from any supposed analogy to the directors of a great corporation.

I am just as much in favor as any of my friends are of popularizing our city governments, of giving the people the right to vote under favorable conditions, and to give direct expression to their wishes; but I want to do it in a practical way, and so as really to secure the end sought to be attained, and not in

an illusory way, which will only lead to fresh disappointments.

This brings me to some brief discussion of the initiative, the referendum, and the recall. The initiative is nothing more than an advance expression of the popular will upon a subject; and the popular will can be expressed without the form of voting—it can make itself felt by elective officers a great deal more readily in other ways than it can by a formal vote. If you provide for a popular vote, that gives your elective officer a place of refuge behind which he can hide, if he wants to. Until you take the vote he can stand back and say: "Show me by a vote that you want this thing," if his inclination is against it; he can refuse to listen to delegates who come to argue with him; he can refuse to heed the soundings of popular demands or protests which come from this and that direction, and in all the ways that a man who has been voted for in the past knows of and listens for assiduously. It is difficult to get the people together to vote unanimously or in large numbers on any proposition. I believe I am correct in saying that the initiative, in the shape of a formal vote, has seldom been tried in American cities, and that when tried it has not produced very profitable results.

MR. STOCKTON: It was tried twice in Buffalo, on the charter question.

MR. WILCOX: That was a special case involving a radical change in city government, and totally unlike the ordinary questions which will arise when the city government has been settled. But it seems to illus-

trate the difficulty in making the initiative work, and its weakness as a popular weapon for self-government.

The practical difficulty about the initiative and the referendum both, when put in operation, is that you do not get an expression of the popular sentiment which indicates what a majority of the people really think or desire. Only a few people vote at all. As a matter of fact, the vote on our proposed Buffalo charter, which my friends talk about as being such an extraordinary indorsement of that scheme, was regarded by practical men, who were used to going to elections to obtain public support, as discrediting the whole movement, because it was so small. They did not consider that the people indorsed the plan. It had undoubtedly a three-fourths majority of the votes cast for and against it; but only about one seventh of those actually voting at that election took enough interest to vote on this question at all. One man in seven voted on the question, six men in seven ignored it, although a very active and intelligent campaign had been made to bring out a large vote in favor of the proposition. That is to say, of the people who actually voted on that day, about six sevenths did not care, and of the one seventh who did care, a quarter were opposed to the proposed charter, thus leaving a very small minority actively in favor of the proposition. That is the result usually attained by referendum votes in this state on constitutional amendments, or on any sort of question. If you require a large percentage to vote upon the proposition, then it is

usually impossible to get out a sufficient affirmative vote.

To define my own position, I still believe in the referendum to a limited extent. I believe that in the case of great franchises, and questions of large importance in the way of disposing of the city's property, these may properly be submitted to a popular vote, but with the requirement that the vote should exceed a certain minimum limit before it is effective for any purpose whatever, and otherwise the action of the city officials should stand. I do not believe in calling on the people to vote frequently, upon all manner of questions, because of the many disadvantages which it involves and the little consequence which should be attached to a small vote. Even within these narrow limits, I am doubtful of its practical value.

As to the recall, I want to point out one serious consideration which I hope your minds will fasten upon and dwell upon, long after this debate has been forgotten. My friends on the other side say with great rhetorical force that it is proper and right that the people who elect a public servant should have the power to call him back if he doesn't satisfy them, or if he does wrong. That sounds very fine indeed. But it is destructive of stable government. It is destructive of the feeling of confidence on the part of the officer elected, because he must certainly stand in terror, if this power is exercised, or is practically exercisable, of being caught just in the course of some line of action which he is satisfied about in his own conscience, which he believes is going to be a good

thing, but which has not demonstrated itself at that moment. He may then be called upon to justify himself, hauled over the coals and subjected to a recall vote at a time when he has not been able to prove himself. Thus it is obvious that it would make an honest and well-meaning official timid and overcautious about any new or untried line of action.

But here is a worse result that would follow from the recall. The American people on the whole have a tendency to be conservative in the selection of their public servants. They think twice. There are always men seeking for the popular suffrage who have schemes to promote or to project upon the people, honestly or dishonestly. They hold out large promises that appeal to the popular imagination. Those men usually do not get elected. They sometimes become candidates, sometimes command large votes, but usually are not actually chosen to lead the people after false illusions. But if we have in any municipal system or any other system a provision that the public servant, after being elected, can be lightly recalled, I prophesy that the voters will be much more likely to try out such schemes on the promises of the schemers, and at times of unrest you cannot keep the people from electing them. If a man of fairly good character, but demagogical in tendency, appeals to popular ideals and promises great reforms, we now hesitate to put him in office for two or four years and let him stay there, subject only to the ordinary power of removal; but if he can be tried for six months, and then if he doesn't make good we think we can exercise the recall, this

will diminish the responsibility of the people in electing their officers, and encourage them to elect less stable and reliable men. That is the serious thought which I want to leave in your minds.

I could if I chose, and if it would not project me into other discussions, point out to you well-known popular leaders who have been defeated because of the prevailing conservatism of our people, because the people did not dare trust to their fair promises, and the world now agrees that they were wisely defeated; yet who would have been elected if the idea had prevailed that they could be recalled after a few months or a year or two of trial, if they did not make good.

Therefore I repeat, gentlemen, that I am opposed to the recall, as a part of our system of city government, first and principally because it would lessen the responsibility of the people in facing their elections, and would encourage them to elect volatile and demagogical candidates; and secondly, because it would tend to weaken the courage and confidence of honest officials, when elected, and would produce a feeling of instability and uncertainty, and thus would be destructive of strong and efficient administration of the government.

Still later in the discussion Mr. Wilcox said:

I want to enter a protest against anyone describing the plan of city government which I have advocated as autocratic.

When I propose, as I do, that the executive power

of a city government should be concentrated in its mayor, that is not creating an autocracy. The mayor, of course, would be responsible, and it is in order to make him responsible, readily and instantly, that I and others like me propose that plan. You could still have your recall as to the mayor, if you must have it, and it would be far more effective as against such a mayor than a recall as to one of five men, because there would be no doubt whom you should recall if you wanted to recall anybody. The government of the United States is not an autocracy, and I am proposing exactly the same scheme for the municipality.

Now, as to legislation, we all favor home rule for cities. We all want to enlarge the powers of our cities, to give them as far as possible the power to legislate for themselves, to make and unmake their own charters, to make laws for the people within their own borders—they may be called ordinances, but they are really laws. In these meetings the advocacy has been pronounced, and very well received, of the power of the municipality to regulate the liquor traffic, and all that that means, within its own borders. Is it safe to enlarge the powers of local legislation and at the same time give to a small executive body the power of legislation? Is that rational? Is it consistent? Should your legislation be done by the same men who are executing those very laws, or should you have a separate legislative body? I submit it to you for consideration. I do not think the notion of combining the legislative and executive functions, upon the plea

that the legislative functions of a city are inconsiderable and therefore can safely be so combined, is consistent with the idea of enlarging these legislative functions, and trusting municipalities to legislate for themselves.

## CHAPTER IX

### IS THE COMMISSION FORM APPLICABLE TO LARGE CITIES?

SHOULD our large cities adopt the commission form of government is a question that is receiving an ever-increasing amount of attention. At the Buffalo<sup>1</sup> meeting of the National Municipal League in November, 1910, this phase of the subject came in for a very considerable amount of attention, opinion being very considerably divided. To present the matter fully the editor of this volume asked Horace E. Deming, a long-time student of municipal problems and the author of "The Government of American Cities," to discuss the question. His paper follows. It in turn is followed by a short argument prepared by Knowlton Mixes, Esq., a prominent advocate of commission government in Buffalo answering the question with an unqualified affirmative. Here is Mr. Deming's paper:

The so-called commission form of city government made its first appearance in Galveston, Tex.

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<sup>1</sup> In Buffalo there have been two affirmative votes on advisory referendums, and the Chamber of Commerce, this spring, by a vote of 318 to 31 indorsed the commission-government idea. The population of Buffalo in 1910 was 423,715.

This is how it happened. In 1900 a hurricane destroyed the city's defenses against the gulf. Business was prostrate, the public treasury was bankrupt, and Galveston's government, the common type in American cities, hopelessly incompetent to cope with the situation. A voluntary committee took hold. It proposed to the state legislature that a commission of five men, three appointed by the governor and two elected at large, be put in charge of the city's affairs, who should undertake the reorganization of its finances and, if possible, put the city on its feet again as a going concern, just as might be attempted in the case of any large corporation in financial distress. The people of Galveston had had for many years abundant experience of the inferior quality of its local government, in spite of various efforts to better it. They were now in dire distress, and the inability of its then administration to do anything effective toward rescuing the city from its financial slough was conspicuous. The failure of previous attempts to secure an efficient city government through the local electorate made the business men of Galveston willing to put the conduct of the city's affairs in the hands of a commission dominated by state-appointed officials. The desperate financial straits of the city required prompt treatment and the state legislature responded favorably to the appeal of Galveston's business men. The experiment began in 1901.

The board of five promptly reorganized the disordered public finances, and as if by magic the bankrupt city became a solvent going concern. Intent upon

getting a dollar's worth for a dollar paid, the board revolutionized the conduct of the city's business in every department. Galveston was a small city, there were no complex administrative problems, its budget was a matter of relatively small amount. The members of the board were neither required nor expected to give their whole time to the city's affairs; each went on attending to his private business. Yet the city's bonds, which had been selling at 60, rose to a premium, and there was a saving of one third in the city's running expenses, with every administrative department lifted to a higher standard of efficiency than ever before in its history.

Then the unexpected happened. The courts declared that every member of the board must be elected by the voters of the city, and in 1903 began the experiment of electing at large all the members. This was an abandonment of the commission idea, but it still left the control of all matters pertaining to the government of the city in a small board of five. The original members were all elected, and the city's public business continued to be as efficiently transacted as before. Thus out of the dire financial extremity of a small city in Texas, and an unlooked-for interpretation of the Texas Constitution, came the device of a small board locally elected at large which exercises all the legislative, administrative, and executive powers granted a city. The name, commission form, appropriate at the beginning when the majority of the members were appointed by the state, still clings; and under this title a form of govern-

ment, brand-new in the United States as applied to cities, has gained increasing and widespread popular favor.

The experience of any city under this new form of city government has been very brief. Galveston has had the longest, nearly ten years; Houston comes next with nearly six years. Five other Texas cities, of which Dallas is the largest, and Lewiston, Idaho, have had nearly four years; three other cities, of which Des Moines is the largest, approximately three years. Thirty-four have not yet completed two years; thirty-two are in the first year of their experience. In fourteen cities which have adopted the plan, it has not yet been put into operation.<sup>1</sup> Brief as has been the experience, however, there can be no manner of doubt that, in each of the cities in which the commission plan has been tried, there has been a notable change for the better in its government. Especially on its financial side, the results under the commission plan have presented an immediate and often startlingly favorable contrast to those produced under the sort of city government it replaced.

Thus far most of the commission-governed cities have been small, with a population under 25,000; there are six with a population between 75,000 and 95,000. Memphis, which has approximately 131,000 inhabitants, inaugurated the commission plan in January of the present year. Recently two more cities with populations in excess of 100,000 have adopted

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<sup>1</sup> This was written in December, 1910.

the plan, and the agitation in its favor is spreading to yet larger cities. It is well worth while, therefore, to consider whether, as is claimed by so many of its advocates, there has been found in the commission plan a cure for the evils of municipal misgovernment of which our country has furnished, and is still furnishing, so many examples.

The central idea of the commission plan of city government, as worked out in Galveston, is the vesting of all the legislative, executive, and administrative authority granted the city in a single small board, usually of five members, elected at large. Galveston's example has also been followed in the division of the administrative work of the city into departments, usually five, to the supervision of each of which the board assigns one of its members, his action as such supervisor being subject to the approval of the board. The board decides all questions of policy, organizes the departments, creates and alters bureaus, discharges and appoints the members of the city's civil service and fixes their salaries. The sessions of the board are open to the public and the votes of the members are matters of public record.

The office and duties of mayor as commonly understood are usually abolished, though his position is still in some respects more important than that of his colleagues. As a rule, however—a rule to which there are some marked exceptions—except as occupying a somewhat more dignified position, he is, save in certain emergencies, a mere member of the board with a vote but no veto.

It is claimed that this centralizing of power in a small board elected at large:

Attracts and concentrates the attention of the voters upon the character and capacity of the candidates for its membership and upon the conduct of each member during his term of office;

Abolishes sectional lines and makes each member a representative of the interests of the entire city;

Simplifies the structural form of the city government and fixes responsibility for the conduct of the city's public affairs upon a few men;

Insures constant publicity in the transaction of the city's business, thereby creating an informed and alert public opinion;

Makes the elective city officers so few in number and so important and powerful that the best and most capable men will compete for the honor and opportunities of membership in the board; and makes the official behavior of each member so conspicuous and the responsibility of his position so great that if, for any reason, a man of inferior caliber should be elected he would nevertheless work assiduously to promote the public interests.

The simplification of the structural plan of city government and the drastic reduction of the number of elective city offices in commission-governed cities are an almost incalculable improvement upon the former intricate complexity, the dispersed and dissipated responsibility which have been characteristic of American city government, and the confused and confusing election-day ballots which the city's voters were com-

elled to use. But to have a city government whose policy is to be representative of the informed public opinion of its citizens and whose administrative personnel is to be efficient, implies and requires much more than simplicity in its structure and few elective offices. Essential as these are, they are merely aids. And they are not the only things essential.

It is significant that the great majority of the cities adopting the commission plan since the experience of Galveston introduced it to popular favor, have been unwilling to rely solely upon the intrinsic merits of the original plan, and have added other features intended to strengthen control by the voters over the governing board and the enforceable accountability of its members to the public. The "initiative" and "referendum" were early modifications of the commission plan, and a very large proportion of commission-governed cities have added to these the "recall." The Des Moines charter, adopted in 1908, which is regarded as perhaps the best and most improved model, contains all three of these proposed methods of popular control of the council, as the commission is called in Des Moines, and in addition a compulsory referendum upon all grants of franchises. It also has provisions intended to increase the knowledge of how the public business is transacted, and attempts to meet the spoils evil in the city's administrative service.

In Des Moines a petition signed by qualified electors equal in number to at least twenty-five per cent of the entire vote for all candidates for mayor at the last

preceding general municipal election, may submit a proposed ordinance to the council, and if the petition contains a request that in case the council does not pass the ordinance it be submitted to the people, then the council must either pass the proposed ordinance within twenty days unaltered or call a special election (unless there is a general election within ninety days) and submit it to the voters. This is the initiative. In Des Moines any number of such ordinances may be submitted at the same election, but there shall not be more than one special election for such purpose in any period of six months. A proposition to repeal or amend such an ordinance must be submitted to the popular vote at an ensuing general city election.

No ordinance (except under certain emergencies) shall go into effect before ten days from the time of its passage. If during this ten days a petition signed by the same percentage as in the case of the initiative be filed with the council protesting against the ordinance, the council must reconsider; and, if the ordinance is not repealed, it must be submitted to a special or general election as already described. This is the referendum. There is also a compulsory referendum upon the granting, renewing, and extending of all franchises.

If a petition signed by the necessary twenty-five per cent of the qualified voters so request, any member of the council must either give up his office or at an election, held not less than thirty nor more than forty days after the petition has been duly certified, receive

more votes than any competitor for his unexpired term. This is the recall.

In the interest of publicity, the Des Moines charter also requires that every ordinance or resolution appropriating money, ordering any street improvement or sewer, making or authorizing any contract, granting any franchise or right to use the streets, bridges, or public places of the city for any purpose, must be complete in form for final passage and open to public inspection for at least one week before it can be adopted. The board must print and distribute each month a detailed and itemized statement of all receipts and expenses and a summary statement of its proceedings during the preceding month, and at the close of each year must have an examination by competent accountants of all the city's books and accounts and print and distribute the result.

The Des Moines charter also provides for the appointment by the council of a city civil service board which, under the direction of the council, makes rules and regulations for filling places in the subordinate administrative service upon the basis of merit.

In most of the commission-governed cities no attempt has been made to introduce different methods for the nomination and election of the commissioners from those in use for other elective public offices. But in some of them, especially within the last two or three years, there has been incorporated in the commission plan itself special machinery to prevent any influence of national political partisanship (or, for that matter, of any partisanship) in the nomination

or election of the commissioners. Des Moines, Iowa, Berkeley, Cal., and Grand Junction, Col., will serve as examples.

Such in its main outlines is the commission plan of city government as thus far developed. How far are the methods and machinery thus far used adequate to the larger task which the government of a city of several hundred thousand inhabitants presents? And in the United States there are cities whose population is above a million. There are many things to be taken into consideration. Attention is here given to some of them.

The practicable and effective methods of applying a principle on a large scale are often, and very properly, different from those that seem entirely adequate within a restricted field of operation. So different, indeed, that without in the least questioning the soundness of the principle, the problem of putting it into practical effect may demand a widely, perhaps wholly, different solution. All will agree, also, that defects of method, which in a limited field do little harm and may well be disregarded in view of the great practical benefits achieved, may produce such serious and evil results when repeated on a large scale as to obstruct, if not altogether defeat, the successful application of the principle. Moreover, irrespective of all questions of physical area and numbers of population, the characters, what may be called the personalities, of different cities are by no means uniform, and different means may be required in each of them to accomplish the same ultimate purpose. The many

local modifications of the commission plan where the cities have been free to express themselves, as they are in California and a number of other states, illustrate this very forcibly. The constant modification of and variation from the original Galveston type made by successive state legislatures furnish further examples. One may well approve heartily the underlying principles of commission government and the purpose it seeks to accomplish, and yet be somewhat hesitant in accepting "city government by commission" as an infallible cure of municipal misgovernment.

In the first place, the commission plan has been tested for too short a time and on too small a scale and under too favorable circumstances to justify one in asserting that it has yet proved itself an infallible remedy. In the next place, how far has it in its original form, or in any of its modifications, answered certain questions which must be satisfactorily answered before the problem of city government in the United States can be successfully solved? Here are three.

The purpose of a city election is to put into elective city office representatives of the prevailing local opinion as to the local public policy. What electoral methods are proper and adequate for the accomplishment of this purpose? Among the vital matters involved in the answer to this question are the qualifications of voters who may participate; the restriction of the exercise of the elective franchise to those who are duly qualified; the determination of the policies and their representatives to be submitted to the

voter's choice on election day; the form and kind of ballots to be used; how these shall be furnished the voter; the amount of expenditure which candidates for nomination or election (and their agents and friends) shall be permitted to make; to what extent the public treasury should bear the expense of legitimate campaigning; the casting, counting, and canvassing of the ballots.

What methods must be used to put the purely administrative service of the city under the control of experts and keep the personnel of the service free from the taint of spoils, personal favoritism, and the intrusion of partisan politics?

How shall the city's public business, both on its policy determining and on its purely administrative side, be transacted under conditions that insure a knowledge by the citizens of what is going on, so that there can be an informed public opinion?

The initiative, protest, and referendum, so commonly incorporated in the commission plan, are evidence that the cities who have adopted it distrust their electoral methods. The recall is still further evidence.

The putting of the personnel of the entire civil service of the city under the untrammeled control of a board of five is a continuance of a system which has worked great havoc in the past. And the interposition of a civil service board between the commission and the city's employees, as is done in Des Moines, appears like a mere simulacrum of a genuine merit system in the city's administrative service. The Des Moines council appoints and removes the members of

the civil service board and prescribes, modifies, and repeals the rules and regulations for the conduct of its business.

In small cities there may be sufficient publicity in the conduct of its business if the sessions of its council be open, the votes of its members be recorded, the minutes of its proceedings and reports of receipts and expenditures be published at stated intervals. These are old-time methods, however, which have proved of little avail in many a city.

As illustrative of how important are right answers to the three questions that have just been asked, how difficult it is to find the right answer and how unsatisfactory to some careful students are any of the answers yet devised by the charter makers of commission-governed cities, it is worth while to consider the recommendations of the able men who, after two years of arduous and thorough investigation, both of the local situation and the results of experiments in many cities, framed Boston's new charter, which went into effect early in the year 1910.

They unanimously rejected the commission plan as not adapted to Boston's conditions, and yet unanimously approved the soundness of its underlying principle and the purpose it would accomplish. Boston's new charter provides for a council of nine elected at large, three each year for a term of three years, and a mayor elected for four years, but subject to recall at the end of two years, if the majority of the city's registered voters so request at the preceding general election. Like Des Moines, Boston has the short bal-

lot and has greatly simplified the structural plan of its city government. It does not depend upon these alone, however, and its electoral methods, its treatment of the civil service, and its provisions for affording publicity to the conduct of the city's business are in strong contrast to those in Des Moines.

Boston's population is approximately 670,000. In order to keep city elections free from political partisanship, it not only separated its local from all other elections, but, as in Des Moines, no political designation or mark is permitted on the ballots. Boston's previous experience with primaries of several sorts, including direct primaries, caused them to be discarded altogether in making nominations for mayor and councilman, but, in order to prevent the nominations of candidates who do not command a considerable popular support, its new charter requires that a candidate in order to have his name appear upon the election-day ballot must file a petition therefor signed by five thousand qualified voters. The subordinate administrative service of Boston is under the jurisdiction of a state civil service board, but not even this was considered a sufficient protection against spoils and favoritism. By the new charter the heads of the administrative departments are specifically required to be experts in the performance of their official duties. The mayor is given the absolute power to appoint them without any restriction as to residence, but subject to the certification of their expert qualifications by the state civil service board. The mayor may remove at his pleasure, but the new appointee is subject

to the same certification. In order to secure a constant publicity in the conduct of the city's business, a state board of inspection, called a Finance Commission, is created whose special duty is to find out and disseminate information. This board is given ample powers and has at its command a standing appropriation which may be increased but not diminished.

To sum up: There is an authoritative consensus of opinion that two important and essential steps toward the solution of the problem of city government in the United States are the simplification of the structural plan of the government and the reduction of elective city officers to the minimum number adequate to perform the functions appropriate to elective officials in the conduct of the city's public business. There is a constantly strengthening sentiment that the successful solution of the problem of city government in the United States demands:

(1) That the voters of a city should control the policy of its government and that practicable methods, adequate to accomplish this result, must be provided;

(2) That the personnel of its purely administrative service should be selected, appointed, and retained without reference to their political opinions or affiliations and solely on account of their personal merit;

(3) That the city's voters should be kept fully informed how its business is conducted;

But there is no general agreement as to the effective methods of accomplishing any of these three purposes.

There are, as we have seen, instructive experi-

ments going on in a large number of cities varying in area, in population, and in local conditions, and varying also in the extent of local governmental power granted. We are learning many valuable lessons from them and will learn much more from the results of their experiences. It is altogether probable and not at all undesirable that not one but several ways will be found of applying successfully these basic principles of responsible and efficient city government. A great impetus toward the accomplishment of this result would be the grant by the state to the citizens of a city, within proper restrictions, of full power to frame and organize its government and to adopt their own methods of making those charged with its conduct accountable to them. They should also have power to repeal, alter, and amend.

Besides the great advantages resulting from simplicity of structure and concentration of responsibility in a few elective officials, the experiments already made have demonstrated that in public, as in private business, the determination of the policy to be observed in its conduct will cause differences of opinion and thus arouse partisanship. Whether the city's governing board be small or large, and however it may be elected, there will be, and there ought to be, divisions among the city's voters who will align themselves in parties to support or oppose this or that side on important questions of city policy. The nonpartisanship so much lauded and desired in the management of the public affairs of a city should be merely the exclusion of the consideration of national and state

political policy from the decision of purely local issues. Local partisanship on local issues is both proper and necessary. This does not mean that there is need of permanent local parties with practically unchanging membership from year to year. But it does mean that, as local issues arise, timely local parties will arise which disappear with the disappearance of the issues, new parties with a new membership appearing to meet and decide the new issues.

TABLE GIVING CITIES HAVING 25,000 OR MORE INHABITANTS WHICH HAVE ADOPTED THE COMMISSION FORM OF GOVERNMENT, AND THE YEAR IN EACH CASE WHEN IT WENT INTO OPERATION.

	25,000-30,000.	50,000-75,000.
Austin, Texas.....	1909	Fort Worth, Texas..... 1907
Waco, Texas.....	1909	Wichita, Kan..... 1909
Colorado Springs, Colo...	1909	
Columbia, S. C.....	1910	
Muskogee, Okla.....	1910	
Shreveport, La. <sup>1</sup> .....		
	30,000-40,000.	75,000-100,000.
Galveston, Texas.....	1901	Houston, Texas..... 1905
El Paso, Texas.....	1907	Dallas, Texas..... 1907
Cedar Rapids, Iowa.....	1908	Des Moines, Iowa..... 1908
Huntington, W. Va.....	1909	Lynn, Mass..... 1909
San Diego, Cal.....	1909	Kansas City, Kan..... 1910
Lexington, Ky. <sup>1</sup> .....		Tacoma, Wash..... 1910
	40,000-50,000.	Over 100,000.
Berkeley, Cal.....	1909	Memphis, Tenn. <sup>2</sup> ..... 1910
Haverhill, Mass.....	1909	Oakland, Cal. <sup>1</sup> .....
Topeka, Kan.....	1910	Spokane, Wash. <sup>1</sup> .....
Sioux City, Iowa <sup>1</sup> .....		

<sup>1</sup> Not yet in operation.

<sup>2</sup> Memphis has 131,105 inhabitants.

Here is Mr. Mixer's argument in favor of applying the commission form of government to cities:

The American system of city administration by which legislative and executive functions are so carefully separated is thoroughly discredited by a century of experience. It is the unique experiment in governing cities which has failed, while the English and German forms in which the legislative and executive functions are merged in a single body have proved successful and efficient. This American plan, if it may be so called, is beginning also to be discredited as applied to the government of the states, many of our clearest thinkers inclining toward the English and Continental Government, which permit the executive a seat in the legislative branch and adds to its other functions that of presenting and discussing legislative measures. The original federal form of administration for American cities was used not because it was thought adapted to this form of administration, but simply because our fathers knew no other form.

The experiment having failed, the more simple and direct method of city government employed in German and English cities has the weight of decades of successful administration to recommend it.

The commission form of government as adopted in the United States is an adaptation of the principle adopted in the two countries above referred to, and as such is, of course, available for cities of any size. That the city of Dresden, Germany, with a population of 582,000, is for all practical purposes governed by

the Stadt-rat, or executive committee of fifteen, should be sufficient to prove that the city of Buffalo, with 425,000, would be successfully administered by a commission of five—the only practical difference between the government of the former city and the one proposed for the latter being that in the former a large popular body intervenes between the direct vote of the people and the election of its executive council. This large popular body, however, directly elected by the people, is restricted to very slight functions—those deliberative only, and they elect the executive committee.

English cities are governed by a single parliament, and this single body combines the administrative and legislative functions in itself. Its departments are administered by committees, which, meeting together, enact such small legislative business as the city may require.

For all practical purposes this is in theory clearly the basis for the commission government as adopted in the United States, and, as is well known, forms the basis for the most successful city governments in the world.

If we look for successful governments by commission in this country, it is not difficult to find them in our largest cities. The city of Washington is governed by a small commission, and is acknowledged to be one of our best-governed cities. While this commission originated in an entirely different way from that of the commission form of government, successful administration under its rule is a valid answer to the argument that small commissions are suited only to the administration of small cities.

The city of New York under its present charter, in its approximation to the commission form, has more nearly succeeded in obtaining good government than ever before in its history. The fact that the board of estimate and apportionment to all intents and purposes governs the city of New York, is the best possible evidence that the fixing of responsibility on the small commission has been much more successful in its results than the division of responsibility in double chambers and with the separation of legislative and administrative functions under the old system.

The commission form in its theory and practice becomes a government by experts in that the popularly elected commission is made up of administrators who appoint expert subordinates subject to the approval of the board. They are permitted to choose their lieutenants from among the best professional administrators in the country, and in so doing they successfully adopt the staff system of the German military administration which has been so highly recommended for large business in this country by efficiency experts. Administration by experts is certainly of greater value for a large city than a small one, as the large city can afford to pay the higher salary to attract the man of widest experience.

If the commissions now existing in the United States under other systems than that of the commission form, and, as above cited, such as those of Washington, New York, etc., are acknowledged to produce successful results then the system as applied under the commission plan of popularly elected commissioners

is only open to the question of the quality of the commissioner so obtained.

As to the quality of men so chosen for office, experience offers the best reply. The report of the committee of the Illinois Legislature appointed to investigate the workings of the commission government in Texas cities, reported that in every city they visited they found acting on the governing commissions men of the highest standing, politically, socially, and commercially, in their communities.

The commission plan of government as so far adopted has proved its case in that it has, through its inherent efficiency and the possibility of results attracted the best and highest class of citizens as candidates for its positions.

In view of the history of commission government in this country so far as it has been made, the burden of proof rests with those who attempt to show that a government which has been so successful in cities of moderate size will not be successful in our largest cities. The syllogism they are required to prove runs briefly thus:

Commission government is acknowledged to have been successful in cities as large as 130,000 inhabitants, but

It has not been tried in cities containing more than 130,000 inhabitants;

Therefore, it will not be successful in cities of 400,000 and larger, which is a *reductio ad absurdum*.

The folly of the attempt is shown by the very statement of the conclusion.

## CHAPTER X

### THE NEWPORT PLAN

ANOTHER prominent opponent of commission government of American cities has been Rear Admiral F. E. Chadwick, U.S.N. (retired), who, more than any one other man, is responsible for the "Newport plan of city government." At the Providence meeting of the National Municipal League (1907) the Admiral presented a thoughtful paper on the subject, which he has revised and brought up to date. It is herewith reproduced:

We have come to one cheering point in our national life; that is, we have begun to recognize that we are not altogether as perfect as we have heretofore insisted upon our being. When a man begins to recognize that he is a sinner, there is chance for improvement. Our great failure in municipal government is too patent to be denied. Such a failure, so long as others succeed, must have some special reason. Life among people of the same race character as those of Germany, England, and the United States must run upon the same basic lines. Why then have we so signally failed in city government while the others have been comparatively so successful?

The first reason, as it appears to me, is in the fatal idea that we can start anew in everything, dismissing the great fact of the solidarity of humanity, particularly that of kindred races. "The thing that hath been, it is that which shall be," is as true of human nature as ever. We have thought ourselves equal to evolving something new in everything we touched. It is worth while to examine this a little even at the risk of wounding somewhat our self-esteem. We suppose, for instance, that we lead and have led the world in invention. There could hardly be a greater error of fact, for we have followed in all the world-moving inventions, we have not led.

Let us take, for example, transportation, the greatest business after agriculture. How many recognize that we have never initiated a step in this? That not one of the great changes in marine engineering, for instance, have come from us; such as the change from paddle to screw, from screw to double screw, from wood to iron, from iron to steel in construction, from the simple engine to the compound, from the compound to the multiple expansion, and from multiple expansion in the reciprocating engine to the turbine? Nor did we invent the locomotive or the railway, the electric motor or the gas engine. It was for a Scot, born and reared to manhood before he came to us, to invent the telephone, for a Dane, Oersted, to strike upon the principle of the telegraph, and for an Italian to invent wireless telegraphy. Nor have we been anything but followers in the details of that great factor of modern progress—steel.

We cannot claim Bessemer, Siemens, or Martin as ours, nor were we overapt to follow them, as it took us a long time before we got fairly started in the adoption of their processes. If we turn to the important question of health and disease, it was for a Frenchman, Pasteur, to teach the world both the cause of disease and the cure. These facts, and they are facts, are worthy of our sober thought. They show us that Europeans do some great things as well as ourselves. We have done great things in a material way, but the way has, as a rule, been blazed for us by those whom we usually speak of as our inferiors in inception. Our ingenuity has run in the minor grooves; for the cotton gin, the sewing machine, the reaper, important as they have been in easing life, cannot rank with the steam engine, the railway, the electric motor as world factors.

Now, while we have been so ready to adopt a good process in steel, to adopt railways, turbines, the double screw, the automobile, and all the other mechanical advances of Europe, why have we been so unwilling to adopt certain administrative methods which have worked so well in Europe and would work as well here?

I believe that we began wrong in our city governments by reversing a fundamental principle of good administration, which is the absolute separation of the appropriating and spending powers. The usual American city made its charter a half copy of our state and federal legislative and administrative systems, and set up a body which not only made the

appropriation but did the spending. The result was a foregone conclusion. Nothing could come of such a system but that by which the moral sense of the country had been staggered. This union of powers which ought always be kept separate has in itself been a fatal thing. It was one of the signs of our loss of political faculty.

Along with this has been the ephemeral status of our city administrators. The administration of a great city differs little in its burdens and difficulties from that of a nationality. New York, for instance, spends more money in its administration than a nation. To pick up a head administrator at haphazard to serve a year or two and then try another, is emphatically and manifestly not good sense. The term is so short for all the persons, technical and others, that naturally the first thing done by the man elected by a partisan vote is to establish a body of political followers by whose help he may stay in power. This has plunged our city governments into the whirlpool of partisan politics and has naturally produced the boss.

If we are serious seekers after a sound system of handling municipal affairs, we start with it as a purely business proposition. Municipal affairs have nothing to do with the tariff, with interstate commerce, with the federal government. Our question is simply getting our money's worth of comfort and security within our corporate limits. One country has done this—Germany. Why not ours? That we have lagged behind Germany in the race of civilization cannot be questioned. It is shown in every phase of the city;

in convenience of plan, in parks, in the low cost and maintenance of what we have come to call public utilities, in the absence of unsightly districts which in our own towns are often of such melancholy dilapidation and squalor. We have been particularly slow in that general beautification which does so much to create civic pride, and is of as much educational value as anything done in the public school; I am much inclined to place it in the first rank of educational values. The beauty of Athens, and the splendors of Rome and of the Italian renaissance are simply the outcome of an intense civic spirit and civic pride.

Returning to Germany, we have but to compare Hamburg, Dresden, Berlin, Frankfurt, or Wiesbaden with anything we have, except Washington, to show our failure. This last, be it said, is the best designed city in the world, both for beauty and convenience; a monument should be erected to the Frenchman, L'Enfant, who designed it. But can anyone say why no one of our cities has ever copied this most admirable plan instead of using the senseless rectangular system, which affords no chance for picturesque treatment and always obliges one to take the two sides of a right triangle instead of the short cut of the hypotenuse?

And in every way, as a rule, we maltreat what we have. New York has occupied many of its best avenues with a most unsightly elevated railway. Berlin builds one, but she buys her right of way and builds a handsome structure of brick and stone, the arches of which serve as stores. We are but beginners to put up sightly railway stations; the magnificent sta-

tion at Frankfurt was built some twenty years since.

How has Germany accomplished all this convenience of arrangement, beauty of streets, parks, and buildings and made it pay? It is done through a large council of representative citizens, which council is the city government, and which looks the country over for a good man as chief administrator exactly as a large business firm looks up a good man as general manager. They take him where they can find him and hire him for a considerable period, at what is, for Germany, a very large salary. If he makes good he is retained in what practically becomes a life job. Thus the mayor of the rich and important city of Frankfurt was first an assistant mayor at Altona, near Hamburg, then assistant at Berlin, whence he was called to Frankfurt as mayor. The salaries of the German mayors are, as mentioned, large because the responsibility and work are large. Along with the mayor are associated an assistant mayor and the various technical officials, all of whom are selected by the council in the same way as the mayor. The council is always a body very considerable in numbers. In Berlin there are one hundred and forty-four members. Associated with it are numerous committees on parks, education, etc., the members of which serve for the honor of taking part in their public affairs. I appeal to all of you, is there not shown in this a greater common sense than in our system, as a usual rule, of "hand-me-down" officials, without experience, and who receive next to nothing for what

should be one of the heaviest responsibilities a man can undertake? How can we expect our ablest men, and it is our ablest men that are needed, to drop their own affairs for a year or two and on a pittance and with no expectation of permanency, take over such work? I do not think that I am overstepping the bounds when I say that the headship of no corporation, or state, or even the headship of the United States requires greater general ability, force of character, or knowledge of administration than the head of administration of a great city like New York or Berlin. The latter, we know, to be well administered, the former—well, let us say, less so. The whole difference is in the systems. Apply the Berlin system to New York, and you will get Berlin results.

I know that what I have said is not consoling to our pride. Some may even say that it is not patriotic, but I say that patriotism is best which looks our shortcomings in the face and tries to correct them.

Coming to our Newport plan, I would say that it is the outcome of the efforts of a committee of twenty-seven men who were requested by our Municipal Association, a nonpartisan body organized for the betterment of city conditions, to draft a new charter. In casting about for information, we came across a suggestion of Alfred D. Chandler, of Brookline, who has written a pamphlet advocating what he called a limited town meeting, a large elective body which should have the powers of the full town meeting. We adopted and built upon the idea. A charter was drafted calling for a representative council in which

should be vested the government and control of all fiscal, prudential, and municipal affairs. The council in a few words was to have the powers of the New England town meeting. The number was fixed at 195, the term of office to be three years, one third of the council to be renewed each year.

It was desired to put about 200 in the council as being a number not too large for discussion, but large enough to prevent combines and trades. The particular number was the outcome of the fact that there were five wards. Thirty-nine were thus to be from each ward, 13 of whom were to be elected each year. We have in the whole city, which I should say numbers but 25,000, 65 newly elected councilmen each year.

The charter also called for a mayor and five aldermen, one alderman from each ward. These six were to constitute the board of aldermen and were to have the powers of selectmen of a Rhode Island town. The powers of the representative council are thus purely legislative; the powers of the board of aldermen purely executive. There is thus a clear-cut line between the appropriating and spending bodies.

The representative council makes ordinances, elects the city officials, such as the city treasurer, city clerk, judge of probate, and all other city or municipal officers provided for by law, or such as may be needed or proper to carry into execution the powers of the city. It fixes salaries and may remove for misconduct any officer not elected by the people.

A vote in favor of any proposition requiring the

expenditure of \$10,000 in addition to the regular appropriations cannot become operative for seven days. If within that time a petition be filed from ten qualified electors from each ward, in addition to at least one hundred qualified electors of the city, or one hundred and fifty in all, such proposition must be submitted to the qualified electors of the city within thirty days of the filing of the petition. Upon petition of one hundred qualified electors any proposition for the expenditure of a sum exceeding \$10,000 may be submitted to the representative council, and must be considered at its next meeting. If such proposition be disapproved by the representative council, a petition may be filed within seven days signed by at least twenty qualified electors from each ward in addition to at least two hundred qualified electors of the city, asking that such proposition be submitted to the qualified electors of the city, which must be done within thirty days thereafter.

I would here define a qualified elector: under the constitution of Rhode Island, no one can vote for a member of a city council or for a proposition to expend money or levy a tax, who does not himself pay tax upon at least \$134 value of property. The general electorate thus votes for the mayor and for the school board, but not for aldermen or members of the executive council.

No sum appropriated for a specific purpose shall be expended for any other purpose unless by authority of the representative council. No expenditure shall be made or liability incurred until an appropriation

shall be made by the council to meet such expenditure or liability.

The mayor has power to investigate all departments, and may suspend any city officer for sufficient cause. The cause must be brought before the board of aldermen in five days; in case the board sustain the charge, the office becomes vacant, subject, however, to an appeal within ten days to the representative council which has power to finally determine the matter.

The mayor and aldermen may not be interested in any contract, nor shall any one of them vote upon a contract between the city and a corporation in which he is a stockholder.

The control of the police is in the hands of the mayor, with the consent of the board of aldermen, and subject to the direction of the representative council.

Nominations are made by filing papers with the city clerk at least twelve days before the election, which is held on the first Tuesday in December, separate from any state or national election. The candidates must sign an acceptance of the nomination on the nomination paper. It requires at least thirty ward names on the paper of a candidate for the representative council, one hundred for an alderman, and two hundred and fifty for mayor. No one can sign papers for a greater number of candidates than he has a right to vote for.

Nothing may be printed or written on a ballot except the name of the candidate, his residence, the office

for which he is nominated, and such other nonpolitical facts as the laws of the state may require.

A particular feature of the charter taken from the procedure of the town of Brookline is the appointment by the chairman of the council, who is elected at the first meeting of the new council on the first Monday in January, of a committee of twenty-five. This committee is charged with the formulation of the budget, and the report must be printed and distributed to the voters qualified to vote on the expenditure of money at least seven days before the adjourned meeting called to consider the budget.

Finally, any taxpayer, man or woman, resident or nonresident, may appear upon the floor and address the council, subject to the rules, upon any proposition before it.

The system has worked distinctly well. For one thing, it has been educational in a very high degree. Everyone knows what is going on. There is much, and generally very intelligent, discussion of the matters before the council. There have been no difficulties on account of the size of the body. It is like any other legislative assembly, and is as well ordered and well conducted, and as dignified in procedure, as any legislative assembly of which I know.

To illustrate the interest which is taken in matters before the council, a local paper devoted two columns to a report of the proceedings of the preceding meeting, which was a most important one. It has been a custom in the city for the political parties to step up just before election and pay taxes for the people who came under

the \$134 clause, without their knowledge. This put them on the voting lists. These men did not care to pay the small sum of \$2.70 which was necessary. Recently one of the members looked into the subject and brought out the details in a powerful speech. The facts he gathered included a long list of the men whose names had been put before the council to have their taxes remitted, as had been usual heretofore. The matter received very careful attention and I do not think the practice will ever occur again. There is always a full report of the proceedings in the newspapers, and in this particular case there was an editorial on the subject as well. There is no important matter during the four years in which the charter has been in operation on which the representative council has gone wrong. It has always voted straight in all serious matters. The system has gradually worked its way even among those who were at first opposed to it. Many men who were its vigorous opponents have mentioned to me their complete change of opinion. The only disgruntled persons are some of the machine politicians who feel that they can no longer control city politics for partisan purposes. There has been no hint of lining up in the council on party lines.

In its report to the representative council the committee of twenty-five says: "The amount estimated to be raised by taxation for the year 1909 was \$642,639.40, and the amount estimated to be raised by taxation for 1910 is \$563,369.69, or \$79,269.71 less than last year. The city is steadily decreasing its debt, and

at the same time making it possible, if thought best, to lower the tax rate."<sup>1</sup>

It is well, perhaps, to study the city's finances a little to see, not if this statement is true, but how such a desirable state of affairs has been brought about. We have only to go back to the last few years under the old charter to find a very much less desirable condition. Then, with the city council having both the appropriating and the expending authority, there was from year to year a piling up of the floating debt from repeated overdraughts which it seemed impossible to prevent. Under the new charter, with the representative council appropriating the money and the aldermen spending only what was given them, there was at once a change. Not only has there been no increase in the floating debt from year to year, but the old debt has been quite largely wiped out, important new work has been done and paid for, and, in spite of the increasing expenditures for current expenses, there has been at the end of each year a constantly enlarged unexpended balance with which to begin the new year and to make the annual budget less difficult to handle; and not only this, but the credit of the city is improved and money can be obtained on more advantageous terms for an emergency, and, above all, the sinking funds for the payment of the bonded indebtedness of the city have been reinvested to excellent advantage by the sinking fund commissioners and the payment of the bonds has been made more and more secure.

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<sup>1</sup> See *Newport Daily News*, March 10, 1910.

Let us go into details regarding the debt of the city. In 1907, when the new charter went into effect, the representative council found the fund saddled with an accumulated overdraft of \$150,000. Provision was made for the gradual extinction of this by the issue of municipal notes, \$30,000 to be paid in one year, \$30,000 in two years, and \$90,000 by means of a series of notes of \$10,000 each, to be paid in one, two, three, four, five, six, seven, eight, and nine years. In 1908 the representative council authorized the laying of a new pavement on Thames Street (which is one of our longest and most important streets), and it was decided not to issue long-term bonds for its payment, as had been the custom with former permanent improvements, but to pay for it in three years, a portion out of the regular appropriation for the year, and the balance by the issue of notes becoming due in one and two years. The city thus in 1908 had an unusual indebtedness of \$210,000, and in that year paid one of the \$30,000 notes, the \$10,000 expiring that year, and the \$25,000 on the Thames Street pavement, the total indebtedness being reduced by \$65,000 to \$145,000. In 1909 there was also a payment of \$30,000, and \$10,000 on the city's notes, and \$25,000 additional was paid on the Thames Street pavement, leaving an indebtedness of \$80,200. This year it is proposed to pay off the balance, \$10,200, of the \$60,200 for the pavement, and another \$10,000 on the annual notes, leaving only \$60,000 to be paid, \$10,000 in each year for the next six years. In other words, the city will have paid in three years the entire cost of

the Thames Street pavement, and reduced the accumulated floating indebtedness of 1907 from \$150,000 to \$60,000.

Not only has this large indebtedness been paid, but at the end of each year there has been an increasing balance in the treasury. In January, 1908, the city treasurer reported a balance of \$39,230.71 on his books, but practically all this was charged against the appropriation for the Mumford school, and was not an actual cash balance. In January, 1909, the report showed a balance of \$22,690.12, and this year there was a balance of \$69,136.66, with no charges running over from last year against it. With this balance and the amounts paid, or to be paid, on overdue taxes, the city will be able to meet current expenses without resorting to the hiring of money, probably until the middle of April, thereby saving a considerable amount of interest on borrowed funds.

The saving in the city's money is also shown in the decreasing interest charges. In 1907 the city paid in interest on its notes \$10,257, and in 1908, \$13,095.05. In 1909 the committee of twenty-five estimated the amount to be paid in interest during the year at \$11,000, but only \$7,998 was actually paid. For this year the committee estimates that interest charges at \$7,525, and with money in the treasury for three months at least, without borrowing, there is a possibility of even this small amount being eliminated.

Last year the total appropriations were \$704,326.23, and the amount to be raised by taxes was \$642,659.40. The total tax assessed was \$650,442.

This year the proposed total appropriation amounts to \$666,676.84, and with the larger cash balance in the treasury, and the estimated income from other sources, there must be raised by taxation, only \$563,-396.69, or \$79,269.71 less than in 1909. On last year's valuation, only \$563,369.69, or \$79,269.71, \$11.50 on each \$1,000, would give more than the required amount, but a \$12 rate would leave a better margin of safety, and this does not consider at all any increase in valuations which it is expected the assessors will find.

I would mention that only two meetings of our council are absolutely necessary in the year; the first when the council organizes, elects the chairman and city officers; the second when it meets to pass the budget reported by the Committee of Twenty-five appointed at the first meeting. Other meetings may be, and are, called. I think the highest number in any year has been six. I could also add that it has never been without a quorum even at first roll call. At the meeting of the new council on the first Monday of last January, in the fourth year of the charter's working, we had present 191 of the 195 members. All four of those absent were ill. This shows that there is no want of public spirit. I would also say that every class in the city is represented, from millionaires, of whom there are at least three, to laborers. It is a body not only representative in name, but in fact. I do not mean to say that I think the Newport charter is perfect by any means. For one thing, there are too many aldermen. The present

number was a concession to prejudice. It is difficult to change from old-established ways all at once. In fact, as you may have gathered from what I have said, I would do away with aldermen entirely, and elect a mayor for a long term. My real preference would be to go at once to the German system, if such a thing should be possible.

As a great city like Boston or New York is a state within a state, I would make the selection of a mayor for such cities subject to the approval of the governor of the state, as is the selection of the mayor of Berlin or the mayor of Frankfurt subject to the approval of the Emperor, to whom three names are submitted. Such an approval is worth thinking about. There is in it a quality of safety against a bad or poor selection.

In any case a mayor cannot go far astray when the purse strings are rigidly held by a council large enough to assure independence of action. With us the mayor and board of aldermen must attend the meetings of the representative council to answer questions or make explanations. They may send in suggestions, but they have no vote. The character of their duty is executive only. Their manner of performance can be questioned in the council at any time.

I hardly need say that I am opposed to any such system as that of Galveston, or to call it by its broader name, the commission system. It is but another name for despotism. Louis XIV was a commissioner for executing the duties of governing France. Philip II was the same in Spain. The Decemvirs and Tri-

umvirs of Rome were but the same sort of thing, as were also the Directory in France. They all came to the same end. Says Madison, in No. XLVII of the *Federalist*: "The accumulation of all powers, legislative and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny." Mr. Justice Story said: "Whenever these departments are all vested in one person or body of men, the government is in fact a despotism, by whatever name it may be called, whether a monarchy, an aristocracy, or a democracy."

It is incomprehensible to me that Americans should so quickly turn from their principles to such a system, condemned through more than two thousand years of experience. It can only be accounted for by the fact that we have lost our political aptitude, have become illogical, emotional, light-minded. For it is an abnegation of every principle upon which our government is founded. If the commission system is right, then men who formed our constitution were wrong. We have apparently come to a parting of the ways. If the country in general shall come to a commission system for cities, it will be but a step, and we shall have the same for the state. It is the logical sequence and is worth thinking over.

It is the habit of those who favor a commission to say that it has worked well. I would answer that it has been in operation in Des Moines, for instance, one of the first northern towns to adopt the system, but

about two<sup>1</sup> years, and I hear they are having their troubles. Haverhill has had it about a year. Is the experience of such a period a test? Let us wait a bit and see.

Of course, autocratic government is the best of governments if you can get an all-wise autocrat in every case. It is the government of that almighty power which we call nature. But where is the man who is as wise as this power; and if he did exist, where is the American city electorate which would elect him? In any case, we see in Galveston an excellent and satisfactory man displaced for an untried man. Had the system had in it the true element of right and good, it would have kept its good and tried man, and not have turned to the untried man and "shrewd politician."

Many refer to Washington as an example of the commission form. It has nothing in common with it whatever, except the name. The government of Washington is Congress, which makes all the appropriations and all the more important laws. The Washington commissioners, as you will find said in the last edition of the "American Encyclopedia," cannot buy a box of matches without the action of Congress. In fact the government of Washington would be nearly that of Newport if Congress were elected by the citizens of the District of Columbia instead of by the whole country, there would still be a difference which I have suggested by the word

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<sup>1</sup> It was established in 1908.

"nearly." For the commissioners are appointed by the President "with the advice and consent of the Senate." They are thus under a supervisory power in addition to that of Congress. That anyone should find in all this a hint of Galveston is one of the curiosities of the human mind.

We people of the United States are faced by conditions that need all our statesmanship for the readjustments which are at hand. The world (I am borrowing the ideas of one of the ablest minds of Massachusetts or of the whole country, Brooks Adams), proceeds from plane to plane of mentality, and the arrival at each new plane requires a social readjustment which is, in fact, a revolution. If we have the statesmanship equal to meeting the new conditions, the revolution is peaceful; if we have it not, it comes in blood. Our revolution of 1776, of 1861, the French revolution of 1793, were examples of the latter; that of 1789, when we adopted a constitution which prevented a bloody war between the several states, is an example of the former. True and highest statesmanship would have saved the blood of 1776, 1793, and of 1861.

Machinery, the teaching of the whole world to read, the immense development of the press, of explosives, the wonderful mobility of the populations, have been busy in this last hundred years in creating a new mentality which demands a new social adjustment. The mention that in 1830 facilities existed for carrying but sixteen persons daily from New York to Philadelphia, and that in 1840 but one adult in

fifty in England could read, shows the immensity of the change we have to meet. And nowhere is this wise statesmanship needed more than in our great towns. Shall we rise to the occasion or shall we pursue our petty politics until we find ourselves engulfed in a great cataclysm? Shall we have our affairs directed by our highest intelligence or by our lowest? Shall we be truly democratic and give the property owner a fair show or shall we develop a tyranny of ignorance which shall crush him?

The procedure of Berlin has in it an element of fairness worthy our consideration; those representing large property interests have a surety of being at least represented. It is not that such should have overweight, but that they should have some weight. I shall go further and say that, in my opinion, some such system must be devised if the holding of property at all be regarded as moral and necessary to our civilization. Remember that you are, in a large sense, but a chartered joint stock corporation. Can you imagine the control of any other joint stock corporation delivered over to those who have no stock or the least stock in it? Can you imagine the New York & New Haven Railroad, for example, controlled by the passengers, to the exclusion of the stockholders? Now this, to a very great degree, is what has happened in many of our cities. We have deprived the true stockholders, in some cases, of any representation whatever. I thus hold that to give property some voice in the control of a municipal corporation is but sense and justice. Moreover, it is true democracy, not the

shadow under which we now labor. Our present system has excluded in large degree the representation of those who have the city's well-being most at heart. It has brought, in municipalities (and I beg that it will be remembered that I am speaking of these and not of the government of states) a government established by the least educated, the least interested class of citizens.

It stands to reason that a man paying \$5,000 taxes in a town is more interested in the well-being and development of his town than the man who pays no taxes. Of the latter there are 93,000 in Boston out of a total vote of 113,000. It equally stands to reason that the man of the \$5,000 tax should be assured a representation in the committee which lays the tax and spends the money which he contributes. We once took a notable stand upon that subject of "no taxation without representation," why should we not do it again?

To talk of the Berlin system as un-American and undemocratic thus seems to me sheer nonsense; we want what is sensible, what is just. We do not want to stick to a false idea of democracy; to one that will carry us down and not up. And the Berlin procedure is not new; it goes back to as wise a man as Solon, who was its advocate and who, could he come to life, would find his scheme in full and successful operation in the best-governed city in the world.

It is easy, of course, to say that the adoption of such a system with us is impossible, but why impossible? We must remember that we have not come

to a finality in government any more than to a finality in the human race. It is probable that man will exist into the future as long as he has existed in the past. Is it reasonable to suppose that we have reached the end of governmental ideas and changes? That we have reached perfection of principles? That we shall not change in the next thousand years?

Most surely we have not so arrived, we all know that there is vast room for improvement. We are still seekers, and being seekers we must put before ourselves an ideal and never say we cannot do this thing or that, for we are sure, finally, to do that which is common sense and right. If the sober sense of the country shall come to think Solon's principle right, we shall find the courage and energy to adopt it.

In the same line I would give the woman taxpayer a voice in the election of those who are to appropriate and spend the money she helps to contribute. I am in favor of letting her vote her shares in the town stock, just as she has the right to vote her shares in the Boston & Maine Railroad. She has done this in England now for forty years. Twenty per cent of the English municipal vote is feminine. This is not woman suffrage, which is quite a different thing. When woman can invest and build steamships and locomotives, tunnel the Alps, and put down a murderous riot, it will be time to think of the other. But meanwhile I think that in questions of city expenditures every taxpayer, man or woman, resident or non-resident—everyone, in fact, who contributes in any way to the city's upkeep—should have a vote. And,

as I say, this is not revolutionary, but practiced successfully elsewhere for forty years.

That we have got to do some hard thinking in these matters is self-evident. A million of men and women, most of whom have not the vaguest idea of our ways, are pouring in upon us yearly from strange lands. It is new races of men with whom we have to deal and educate in our ways. A new migration is upon us of nearly all races. It may surprise some here to know that some 7,000 Africans, who call themselves Portuguese because they were under the Portuguese flag in the Cape Verde islands, have come into Massachusetts in the last few years. This movement will soon find its way to the African coast, but three hundred miles farther off, and if we let things slide in our easy-going, thoughtless way, we shall soon have the Congo upon us. It thus behooves us to think more of good government, the best government, in our cities than of partisan advantage which means but corruption and inefficiency. It is no time for crude experiment, and in my opinion the commission system is the crudest which can be suggested. Try that which through many years has succeeded. There is much in the fine phrase that "Truth is the daughter of time." Try the most successful, that which we know to be successful, and for this I would say go to that made in Germany, toward which our Newport system is a long step.

## CHAPTER XI

### RESULTS IN GALVESTON, HOUSTON, AND OTHER TEXAS CITIES

NATURALLY, students and administrators ask, What has been the result of the commission government of American cities? Has there been any signs of a reaction? Do the people of the commission-governed cities seem to be satisfied? What are the results in dollars and cents and in actual improvements?

Speaking by and large there are no signs of any reaction. The movement does not appear to have reached flood tide. That the people are fairly well satisfied is demonstrated by the fact that so far no city that has adopted the commission form has abandoned it, and so far as I have been able to ascertain there has been no serious proposition to that effect. The results in dollars and cents and in improvements seem to be satisfactory so far as they have been analyzed.

To assume a thing true because it is uncontradicted is not a good rule to follow as a usual thing; nevertheless, it is fair to assume in considering a mat-

ter so highly controversial as the results of municipal government, that claims of uniformly successful administration which remain uncontradicted after a full discussion of the question may be accepted at their face value. In this matter, so far as I am advised, and I have sought information in many directions, there has been no serious refutation of the general claims of the success of commission government. To be sure, as already noted, there have been exaggerated claims, which carried their own refutation. There will always be the claims of the extremist. What I am here referring to are the claims of thoughtful, public-spirited men sincerely interested in the welfare of their respective communities. The testimony of these men has been uniformly favorable.

In Galveston, where the plan has longest been in operation, the city's expenses prior to the inauguration of the new regime, exceeded her receipts each year, and this deficiency was met by the issue and sale of bonds, to the extent that for the period between 1876 and 1897 bonds to the amount of \$2,850,000 had been issued, for which the city had received no benefit in the way of public improvements, except a few strips of dilapidated wooden block pavements.

This unfortunate condition of affairs continued to exist until the great calamity in 1900, after which the city of Galveston found herself face to face with financial bankruptcy if she could not revolutionize and place herself upon a business basis, and it was under such forced and unfortunate conditions as

then prevailed that a committee of her citizens from the very best legal and business element conceived the idea of city government by commission and at once went actively at work, framing a new charter based upon such a plan as the leading feature.

What the commission has accomplished for the city, under the most adverse circumstances, has indeed been remarkable. The total floating debt of the city has been entirely paid off. It secured and paid for the services of a board of three eminent engineers which devised plans for the great sea wall and raised the grade of the city. These improvements have been completed at a total cost to the city and county jointly of more than \$4,000,000. The commission rebuilt the city hall; rebuilt the water works pumping station; extended the water system; built three engine houses; repaired the different engine houses over the city damaged by the storm; repaved with brick the streets throughout the entire business section at a cost to the city of \$183,027.07; built rock and shell roads at a cost of \$181,064.04; provided a large amount of drainage at a cost of \$245,664.47; extended the sewer system and adjusted the question of interest on the bonded debt by obtaining a reduction in the rate for a period of five years. Altogether, \$609,755.58 have been expended out of the general fund for paving, shell roads and drains, with the exception of \$48,088.07, which was obtained from sale of bonds. The city has also paid off a number of old judgments, inherited from former administrations, aggregating

\$18,026.65, and retired \$462,000 of the bonded debt; has purchased new fire engines and other equipment. The city employees have been paid promptly in cash, and the summer seasons passed through without borrowing a dollar. All this has been accomplished without a bond issue or a dollar of increased taxation, excepting the bonds issued for protective purposes.<sup>1</sup>

The city collects interest on bank balances from bonded depositories (previously this went to the city treasurer as a perquisite); collects a special vehicle tax, which goes to the street improvement fund; enforces sewer connections; has metered the city's water service; has cleared the sidewalks of fruit stands and other obstructions which have occupied them for years; has prosecuted to a finish all outstanding lawsuits; collects taxes promptly; has destroyed the policy evil and public gambling and adopted an ordinance districting barrooms out of the residence section.

In securing the services of heads of departments and employees, the commissioners have ignored political influence. Capacity and fitness have been considered first.

Shortly after January 1, 1911, the city auditor of Galveston issued the following statement for the period September 1, 1901, to January 1, 1911 (covering the life of commission government in Galveston). These figures tell their own story of careful, business-like administration of the city's affairs:

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<sup>1</sup> See article of E. R. Cheseborough, published by Galveston Deep Water Committee.

Raising the grade of the city.....	\$2,000,000.00
Additional gulf front protective improvements.....	179,388.65
Additional grade raising West End.....	176,327.76
Water-works improvements.....	312,242.11
Brick paving in streets.....	237,902.36
Drainage.....	319,651.63
Sewer extensions.....	290,231.04
Rock and shelled streets.....	279,647.77
Addition to electric light plant.....	37,459.76
 Total improvements.....	 \$3,832,851.08

Of these improvements, \$2,759,170.88 were paid for in bonds and \$1,073,680.20 were paid for out of the general revenue of the city. The city has also paid out of its general revenue almost \$200,000 floating indebtedness, left over by the previous city administration and for three new engine houses and rebuilding the city hall.

Exclusive of the bonds issued for grade raising and school purposes, the commissioners have issued the following bonds:

For paving, drainage and shelling.....	\$300,000.00
Additional gulf front protection.....	225,000.00
Filling north of Broadway and west of Thirty-third.....	78,270.88
Balance sewer bonds on hand when com- mission took over the city govern- ment.....	227,400.00
 Total.....	 \$830,670.88
Less bonds now on hand and unsold.....	71,500.00
 Total net.....	 \$759,170.88

The total amount of bonds paid off and destroyed by the board of commissioners, including \$550,000 of the grade-raising bonds retired with state donation funds, is \$1,124,336.62. There were also destroyed \$620,663.38 in bonds left in various funds from the mayor-aldermen administration.

Certainly the Galveston *Tribune*, in the light of these figures, is quite justified in saying: "When a citizen of Galveston sits down and considers these figures he cannot but realize that the city government is a big business corporation and one whose management should be intrusted only to men of unquestioned ability. If it was his own private business he would certainly be careful in selecting the men to manage it.

"From the first the Galveston commission has been successful. It has had the backing of practically all the taxpayers and a decided majority of the voters of the city. As a result, it succeeded in electing in the first instance, and has since been able to maintain in office, men of executive ability. Being given a free hand, these men have been able to make one of the most remarkable showings ever made by any city administration in a like period of time."

In reviewing the success of the Galveston commission, it is only proper to mention a civic organization which has contributed not a little to that success —the City Club, an organization of the business men of the city, organized for the purpose of civic improvement. One of its most important duties has been, however, the maintenance of the commission in power. It is a theory of the government of Galveston

that the office should seek the man, and not the man the office. Consequently the City Club has undertaken to relieve the city commissioners of all responsibilities connected with their reëlection. Thus, the commissioners themselves are taken out of politics. They are men who in general dislike politics in the ordinary sense of the term, and who could be induced to accept public office under no other conditions. They merely consent to serve if elected. The City Club undertakes their election. It raises the campaign funds by subscription, publishes and circulates the literature, and looks after all the details of the election. The commissioners do not even contribute to the campaign fund. The club has been entirely successful in every election except the last one, and returned its candidates to office. At the last election, in May, 1909, the club refused to indorse the police commissioner, but he was reëlected. The club also indorsed the mayor for reëlection, but he was defeated by the opposing candidate. In the case of the mayor, however, there was no great difference between the two candidates, and, while the club indorsed the mayor for reëlection, it did not oppose the election of the successful candidate. So the government of Galveston is still being administered by the same commission which has been in power since it was first adopted in 1901, with the single exception that it has a new mayor.<sup>1</sup>

Houston, which has been operating under the commission government since 1905, can give an equally

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<sup>1</sup> *Bulletin* of the Extension Division of the University of Wisconsin.

good account of herself. In fact, a better account, because what she has done was accomplished without the sharp spur of necessity.

In the six years of commission rule Houston has wiped out all floating debt and has given to the taxpayers out of the treasury and without the issuance of a single bond, the following permanent investments:

School buildings.....	\$340,323.65
Auditorium.....	332,276.02
Extension of mains and improvements,	
water department.....	247,932.02
Paved streets.....	179,281.96
Ship channel.....	98,027.40
Sewers.....	85,212.18
Buildings and equipment, fire department	66,150.45
Parks.....	52,007.53
Streets and bridges.....	65,714.10
Wharfs and slips.....	33,109.89
Electrical department.....	26,551.21
Block book system for assessor and collector.....	10,000.00
Health department.....	6,168.26
Police department.....	4,096.03
City hall, furniture and fixtures.....	1,123.67
City attorney, law library.....	974.10
Asphalt plant.....	3,000.00
Total improvements.....	\$1,551,928.47

#### EXTRAORDINARY EXPENSES

Storrie certificates.....	\$73,300.00
Refund paving certificates.....	120,308.70
Sinking fund.....	120,220.00
Making a grand total.....	\$1,865,757.17

paid out of current revenues, besides the elimination of the floating debt, amounting to over \$400,000.

While these improvements have been going on the tax rate has been reduced 30 cents on the \$100.

In an address before Chicago Association of Commerce, Mayor H. B. Rice of Houston, who has just been renominated for a fourth term (he having been the managing head of the commission from the beginning,<sup>1</sup>) describes the results of commission rule in his city thus:

"I call your attention to the fact that during more than five years of this government in Houston, no alderman or commissioner has ever made a speech or addressed the council. The business of the city is conducted daily like any other business concern, and when they meet in public session on Monday afternoon, conformably to law, it is merely to legalize and make record of their weekly business transactions. The length of the public meetings ranges from five to fifteen minutes."

In 1905 the price of gas was \$1.50 per thousand. To-day it is \$1.05 and next year \$1, and the company pays one per cent annually upon its gross receipts. In 1905 the price of arc lights was \$80 per year; now it is \$70 per year. The telephone companies claimed that they did not need a franchise from cities in Texas, yet they were made to conform to the law, and they pay one per cent to the city upon their gross receipts.

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<sup>1</sup>One other commissioner, the Hon. J. Z. Gaston, has served from the beginning.

In 1906 the city of Houston purchased the water plant from a private corporation, the Houston Water Works Company, and paid \$901,000 for it. The source of supply is artesian wells in the heart of the city. At the time of purchase the private corporation was charging 50 cents per thousand meter rate for water, and often pumping from the stream which flows through Houston, thus not giving to the community pure water.

To-day, under municipal ownership, Mayor Rice pointed out, the city of Houston charges only 15 cents per thousand gallons for water, on a meter basis, and it is all from artesian wells and absolutely pure. The plant is worth to-day three times its cost to the city. The street car company pays annually one per cent upon its gross receipts, has more than doubled its facilities, and will compare favorably with any other electric system in the country. The tax rate has been reduced from \$2 to \$1.70. It is assessed at \$62,000,000.

The total revenues from all sources up to date, for five years, amounted to \$6,579,683.08.

From the tabulated statement above given it will be seen that after deducting the running expenses of the government the city has placed more than thirty-one per cent in permanent improvements, something that the property holder can see for his taxes. Four hundred thousand dollars of the floating debt was redeemed during the first year of commission government. This was accomplished through economy and not squandering the public revenue.

Salaries of the school teachers, firemen, and policemen have been increased, and other employees who have worked for years and been faithful and efficient. The city of Houston assessed its property holders in 1905 \$37,000,000; it is now \$62,000,000. This is an increase in five years of \$25,000,000, over one half of which is in building permits. The city has grown in five years fully 40 per cent of its entire population, and land values have enormously increased during that time. The real taxable value of Houston is estimated to be \$250,000,000.

In concluding his Chicago address from which these facts are taken, Mayor Rice said:

"After years of study and experience I find that nothing will bring forth the energies and progress of a people so much as a municipal government that fights for business methods, who are progressive themselves and demonstrate to the taxpayers that they are going to have a 'day's work for a day's pay.' Houston is a practical demonstration of this. In 1905 everyone was 'down in the mouth,' building had stopped, and men of means refused to make any improvements."

An illustration of the manner in which the business administration of the city was reorganized by the commission government on its advent to power is afforded by an innovation which it introduced in the office of city treasurer. Under the old system there had been a city treasurer on a salary of \$2,500 per year. Nothing was said about interest on city deposits, so these also went to the treasurer. The city commission abol-

ished the office of city treasurer and appointed one of the national banks city depository. Now the city handles its business through the bank the same as any other corporation, the city paying the bank \$50 per month clerk hire and the bank paying the city interest on all balances to the credit of the city in the bank. In this way the city annually receives \$6,000 to \$10,000, which formerly went to the city treasurers.

In the words of Mayor Rice in his recent annual message: "The financial condition of Houston is in splendid shape. We not only enter the new year (1909-10) without any floating indebtedness, but with a surplus on hand, and with \$100,000 worth of Harris county bonds in our sinking fund drawing interest."

Dallas claims to be the best-governed city in the United States, and backs up its claim by citing the results she has achieved under commission government. Whether any one city can reasonably claim such a distinction, certainly the results in Dallas have been highly satisfactory to the people. The growth in public confidence as the commissioners began to bring order out of disorder and to give the people value received for their money, is shown in the growth of the building permits in Dallas. In 1908 the total was \$2,306,098; in 1909 it climbed to \$3,393,683. An even larger total is expected for 1910. At the same time the transfers of real estate increased from \$10,-816,889.55 to \$21,884,144.

As an evidence of the spirit of enterprise abroad in the community, and of the abounding confidence

the people have in the present form of government, J. R. Hornady mentions the fact that the voters in April, 1910, forced the commissioners to call an election to pass upon an issue of \$1,300,000 of bonds for public improvements. In view of the great amount of improvement work in progress, the commissioners advised delay in providing for the proposed betterments, but the people would not hear to delaying the matter and voted the bonds over the protest of the officials. Moreover, the people voluntarily voted to increase their taxes thirty-two cents on the \$100, seven cents being for school purposes and the balance for street improvements.

Speaking in New York before a meeting of business men, September 30, 1909, C. B. Gillespie, commissioner of finance and revenue, said: "In the two years' experience of Dallas, under the commission form of government, many miles of streets have been substantially paved; the enforcement of sidewalk construction is general throughout the city; four new parks have been acquired, numerous public buildings have been erected, extensive additions to the water-works system are under way, and many reforms have been brought about; among which was the reduction of the city's street lighting from \$73 per arc light per year to \$60. In a financial way the city has shown a decided improvement. Its books are maintained up to date in every respect and the status of any fund or account can be ascertained at any hour as easily as a bank can show a depositor's balance. New methods and systems have been invoked, daily itemized reports of all collections

are required, together with a deposit daily with the treasurer of all funds collected, all of which is followed by regular systematic checking of all departments. The city of Dallas operates thirty-three departments under what is known as its general fund, and which does not include the school, park, library, water and sewerage, street improvement, and interest and sinking funds. Of May 1, 1907, one month before the present board of commissioners assumed control, the general fund of the city was overdrawn \$122,575.27, which was the result of two acts of the former council administration:

“First, making an excess budget over receipts of \$67,084.66.

“Second, expending in excess of its budget \$55,-490.61.

“During the two years ending May 1, 1909, the board of commissioners maintained these departments at a net saving under the cost of the former administration, and by enforcing the collection of all revenues it was enabled to liquidate the above overdraft and close the fiscal year with a credit balance in its general fund of \$10,290.02.

“The affairs of the city are treated as a business proposition, and are handled about the same as a bank’s directory would manage its affairs, and during the two and a fraction years of the Dallas board of commissioners no disruption of any kind has occurred. Nor has a single speech been made by the mayor or any member of the board at any of its meetings.”

Other cities in Texas tell the same story. To

illustrate, here is a letter from a leading journalist in Fort Worth which is typical:

"After three years of experience Fort Worth is entirely satisfied with the commission form of government. It would be difficult to make an exhibit of greater economy in Fort Worth, because the rapid growth of the city has necessarily increased expenses, but any fair study of the situation will reveal the truth that expenses are less under the commission than they would have been under the old aldermanic form. Administration has been much more efficient and has been marked by an unusual status of public confidence. This point is amply demonstrated in an experience of the last few weeks. In the course of development it became necessary to increase our water supply, and the commission submitted a proposal for a bond issue of \$2,000,000 for water works and some minor public improvements. Before doing so, however, the directors of the Board of Trade and the Clearing House Association were invited to appoint committees of conference to labor with the commissioners in working out the details. When these bodies had reached a satisfactory conclusion, the proposal was submitted to the people and overwhelmingly adopted.

"Another instance may be cited. A few months ago there was a sensational report of waste and fraud in certain public improvements. A thorough investigation was made by the grand jury and by a committee of expert auditors, and as a consequence it was found that the report was wholly false except as to

the stealing of a few sacks of cement by an employee. A thorough examination of the books showed that not a dollar had been misapplied, though several hundreds of thousands of dollars had been spent during the period under investigation."

## CHAPTER XII

### OBSERVATIONS ON TEXAS CITIES

IN 1908, Prof. Albert Bushnell Hart, of Harvard, and at present the chairman of the executive committee of the National Municipal League, made a trip through Texas. The impressions he gathered during this trip he published<sup>1</sup> in the Boston *Transcript*, and they are reproduced in this connection as giving the views of a dispassionate critic, sympathetic with the aspirations of American cities to improve their administrative methods.

The urban conditions in Texas and the rivalry of the large cities are sufficiently described. It does not appear that any of these places have suffered more from bad government than the common lot; as compared with Northern communities of equivalent population, the total taxes of San Antonio and Houston have been less than might be expected; those of Dallas and Fort Worth rather greater; Galveston is in an anomalous position because of the destruction in the storm of 1900. Dallas has less than the average of

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<sup>1</sup> See Boston Evening *Transcript*, April 11, 1908.

municipal debt. San Antonio, Houston, and Fort Worth are all heavily in debt, and Galveston is weighed down by the cost of new improvements necessary to insure its existence. There was, therefore, a field for municipal retrenchment and reform; but up to the Galveston storm no upheaval of public sentiment, no demand for a change of municipal system.

Nevertheless, the ground in Texas is unusually well adapted for experiments in government, inasmuch as the State and every one of the large cities is overwhelmingly Democratic in politics, so that it is not possible to resort to the usual method of a citizens' movement which shall hold the balance of power between the regular parties and compel one or the other to accept a reform candidate or a policy of thrift. This state of things has its advantages, inasmuch as it makes it possible to get startling changes of city charters, without thereby impairing the success of the dominant party in state and national elections.

Again, the social organization of the Southern cities is different from that of the Northern; even in communities like those of Texas, where people have come together from all over the country, the respectable, the educated, the moneyed men, the leaders, know each other, hang together, and have a sense of common enterprise. It is decidedly more difficult in those cities than in equivalent Northern cities for men previously unknown to push themselves forward by their ability to bring out the vote and to make political combinations. Southerners have a wholesome tradition of political leadership, which makes it easier to

engineer movements in which large responsibility is put on a few people.

These habits of mind have greatly conduced to the bringing in of commission government, but the immediate occasion was the special conditions in Galveston, a city which was not only hit very hard by the great storm, but in which a large part of the property is owned by less than a score of persons. When in 1900 there came a question of clearing away the débris and making the sandy island safe for human habitation, the community was faced with a diminished population and an increased task. The old city government of the usual commonplace type was inadequate for such an emergency. Although property is so concentrated, there are no startlingly wealthy men in Galveston; the whole community must contribute to the regeneration of the city; yet the new work must be well and cheaply done or it would ruin the people. The solution was to put the city into the hands of a kind of public receivers, who should carry it through this serious crisis; and the outcome was the first of the series of commission governments, chartered April 18, 1901, a few months after the catastrophe, and still in successful operation seven years later.

The Galveston government was from the first a success; it had the backing of three fourths of the taxpayers and of a decided majority of the voters. For reasons which are not obvious on the face of it, the negroes were at first on the side of the commission; and under the laws of Texas about half the negroes of voting age are able to qualify and vote;

with splendid spirit the whole community bent to the work of reconstruction. Facing the conditions and realizing that money could not be raised in the general market, the loan of \$1,500,000 for the construction of the sea wall was taken up at home. Truck drivers and workmen subscribed for \$100 bonds and paid for them in monthly installments; and one of the few rich concerns took \$200,000 at once. This improvement was handled by the county government, which was animated by the same spirit as the city commissioners. A contract was made for the sea wall, which stretches two miles and half along the outside of the island, and makes it certain that no storm of a severity known to the memory of man or to any record of the past would again break into the city, crushing houses, using the fragments as a battering ram to break up other buildings and entangling and drowning thousands of people. It seems improbable that this great improvement could have been carried through except for the confidence felt in the city government, upon which fell the burden of keeping the municipal finances within bounds. The process was aided by the Federal Government, which spent about \$750,000 in extending the sea wall in front of its military reservation. On the heels of this project came the even bolder and more ambitious scheme of raising the grade of that part of the city which suffered most from the storm; this was placed in the hands of the city government through a grade-raising board, appointed by the governor of the State, and \$2,000,000 was set aside for that purpose; the State aiding by remitting taxes averaging

about \$65,000 a year for seventeen years. This great improvement is now nearing completion.

This striking success at once affected the city of Houston, about sixty miles from Galveston, and at that time burdened with a heavy bonded debt, and an obstinate floating debt of \$400,000, which was ill-served by a board of aldermen of the usual type, and about twenty-three heads of departments, all elected by the people. Here, as in Galveston, the business men demanded a change. The committee of the city government, coöperating with a citizen's committee in joint session, drew up a charter based on that of Galveston, though giving considerably greater power to the mayor; the legislature in 1905 passed the desired statute; and five commissioners were shortly elected who have been once reelected. Good business management at once showed itself in the improved condition of the city finances, and this speedily aroused the other large cities in the State. In Fort Worth there was no especial complaint of the city government, but a citizens' movement led to the draughting of a charter which the obliging legislature enacted, on condition that it be submitted to popular vote. Any good thing that happens in Fort Worth must be submitted to the test also in the rival city of Dallas. Here there was little positive complaint of the city government, but a feeling that something better might be secured. A citizens' movement resulted in the draught of a charter, and in the city election of April, 1906, the sense of the voters was taken; inasmuch as a decided majority appeared in favor of commission government the leg-

islature passed the desired statute, which went into force in April, 1907. A similar movement in San Antonio, the largest city, resulted in the charter being voted down by the people, and that city continues on the old system.

From this brief sketch it is evident that the inception of commission government was the extraordinary conditions of Galveston which, though, solvent, was faced by the necessity of great expenditures which people were not willing to trust to the old-fashioned city government. The notable success in Galveston led in six years to the creation of other commission governments. In every city except Galveston, the old city government connived at its own destruction by appointing committees to coöperate with citizens' movements in drawing up charters. In the first two cities, Galveston and Houston, the legislature enacted the charters in the belief that they were acceptable to the people; in the other two cities they were actual popular votes; and the whole thing was made easier because the cities all had strong Democratic majorities which would not be affected by any change of charter.

The four charters are a contribution to the science of municipal government, and though they differ considerably from each other in details, all contain three main principles: a small commission with both legislative and executive powers; absolute control of the commissioners over the subordinate officers of the city government; and searching limitations on the grants of franchises. Of the four charters, those of Galveston and Dallas are superior to the other two in

clearness, explicitness, and arrangement. The Dallas charter is particularly well analyzed, and ought to be consulted by the makers of any modern city charter. Briefly to state the general trend of the charters, they all constitute a governing board consisting of a mayor and four commissioners who in Houston have the collective name of City Council; all of them are salaried in amounts which are considered liberal in an agricultural state like Texas; \$2,400 in Houston, \$3,000 in the two northern cities, \$1,200 in Galveston, where they are not expected to put in their whole time. The mayor in Houston and Dallas draws a salary of \$4,000, in Fort Worth a little less, in Galveston the inadequate sum of \$2,000. In general, the powers of government are exercised by the board as a body, for although the mayor in some cases has a veto power, he can be overridden by three of his colleagues acting together.

These commissioners and the mayor are elected for the unreasonably short term of two years. With a few exceptions all the other servants and employees of commission cities are appointed by, responsible to, and removed by the board of commissioners.

Upon no subject has more pains been taken in draughting these charters than in the clauses on franchises; in Galveston, for instance, every franchise must have previous public notice, must contain provisions for forfeiture in case of noncompliance, is a subject of taxation, and cannot run more than fifty years. In Houston the commission may grant a franchise, with due precautions, for less than thirty years,

but may submit any project to the voters at the expense of the corporation asking the franchise, and must submit franchises running more than thirty years; in Dallas no franchise can run more than twenty years, and every franchise must include a payment of four per cent of the gross revenues to the city, which shall have a right of purchase; and the grant of every franchise is subject to a referendum, if called for. In Fort Worth every ordinance of every kind is subject to a referendum. Here we have the various protections of publicity, discussion, explicitness, and renumeration to the city, with a referendum in the background.

Of course these paper provisions are only the outside of commission government, and it remains to be considered how far these governments are efficient, and how deeply they are rooted in the political convictions of the people. It is evident that incompetent commissioners can carry on an extravagant government as easily as an incompetent mayor and council, and further, that a commission elected by popular vote and holding only for two years may have no more continuous policy than a city government of the ordinary type. Inasmuch as in Dallas and Fort Worth the commissions are both in their first terms, and in Houston in their second terms, the only city whose experience throws light on the likelihood that good commissioners will be reëlected is Galveston, where the system is in its fourth term, and there has been only one change, and that due to the death of a commissioner. This is the more remarkable because

not one of the commissioners has ever been an active politician. Mayor Landes was a retired merchant and had never been in the city government till he was elected mayor; Commissioner Kempner (finance) is a banker and cotton factor on a large scale, and would not have accepted a commissionership but that his duties are such that he can perform them without giving up his business; Commissioner Lange (water works and sewerage) is a wholesale grocer who had seen service as a water commissioner; Commissioner Norman (police and fire) had been in the City Council, but was elected as a special representative of the Good Government League; Commissioner Austin (streets and public property) is a native of Galveston and a practical real-estate man. This is clearly a business commission, and makes upon the inquirer the impression of straightforward, honest, and capable men. The voters are about 3,200, and at the last election the commission received about 2,100 votes to 1,100; in the minority were practically all the five hundred qualified negro voters, who voted against the commission because it had passed a Jim Crow ordinance for the local street cars. The old-fashioned politician is still uneasy, and some of the most intelligent men in the city think that it would be safer to have a commission appointed by the governor.

In Houston, Mayor Rice is the son of a Massachusetts man who emigrated to Texas before the Civil War; he had been a mayor for one term under the old city government; Commissioner Gaston (finance)

is a merchant, and was in the board of aldermen before the commission came in; Commissioner Thompson (water, light, and health), a printer, had been in the board of aldermen since 1900; Commissioner Appley (fire and police) is a locomotive engineer, and representative of the railroad men, and first entered public life when elected to the commission; Commissioner Marmion (streets, bridges, and public grounds), formerly a blacksmith, then recorder and justice of the peace—hence called Judge Marmion—first entered public life as a commissioner. It is evident that this board is of a different make-up from the Galveston board, having more political experience, and less business training. But it should be noted that in all the commission cities there are expert chiefs in the various departments, and that in Houston the mayor has much larger power and influence than in any other commission city; his principle is, however, to throw the responsibility upon each department head and to leave to him the appointment of his own subordinates so long as he justifies that confidence.

In Fort Worth, the commissioners, when I was there, were Mayor Harris, a lawyer, former judge, and mayor under the former city government at the time of the change; Commissioner Mulkey (fire and police), many years ago an alderman, but of late a retired business man of large means; Commissioner Davidson (streets and public grounds), a stock man and capitalist; Commissioner Stevens (water, lights, and sewerage), a master plumber; and Commissioner Colvin (finance and revenue), the cashier of a national bank.

This board is very like that of Galveston in the reliance on business rather than political experience and also in having for its finance commissioner a practical everyday banker.

In Dallas, Mayor Hay is in the wholesale paper business, and his previous public service had been as president of the board of education; Commissioner Sullivan (water and sewerage) is a wholesale plumber, and had been one of a commission which had a kind of veto authority over city legislation under the old system and was a former superintendent of water works; Commissioner Devan (streets and public improvements) has been in various businesses, as stone-cutting, building, meat packing; Commissioner Seay (police and fire) is a practicing lawyer; Commissioner Gillespie (finance and revenue) is in the real estate and securities business. As will be seen, this commission resembles that of Houston in the experience and combination of the commission.

The most important question as to this new type of city government is not so much how it is made as what it makes. Do the commissioners actually fit together and work harmoniously? Do they provide an economical and efficient government? Do they command the continued confidence of the voters? From personal interviews with the mayors and some of the commissioners in three of the four cities, and information with regard to the fourth, it is safe to say the Texas type of commission workable; it has the merits of a board in which there is discussion and comparison of views; it possesses the advantages of a

cabinet system, where the heads of the departments are all brought into close relation with the mayor; and it far surpasses the council system, both in intelligence and dispatch of business. This success is in part due to the flexibility of the system, due to the constant association of the commissioners; their offices lie side by side and they pass in and out freely. Except in Houston, where the mayor has the prerogatives of a suspensive veto and of the appointment and removal of subordinates, the mayor is only *pri-mus inter pares*. Apparently all the commissions are free from personal jealousies. To be sure, the labor newspaper of Houston declares that the commission has bought an automobile and that one of the commissioners literally (not politically) knifed a fellow commissioner, but these are idle tales. The great advantage of the system is that it is full of genuine discussion, and as far removed from political pressure and pull as is possible among fallible human beings. The point of view of the commissions is that they are business directorates, only the private corporations are few where five officials are constantly on duty, and where each has so much opportunity to learn something of the general needs of the concern. The public official meetings are important as a safety valve for spectators and reporters are admitted, petitions are presented and votes are recorded; but the working principle is constant discussion by twos, threes, and fives, in which the mayor, as the central figure brings things to a conclusion, and by his tact and good nature keeps the machine from creaking. A great part of

the success of the commission is due to the easy informal relations between the commissioners.

A most important point is the absence of scandals or charges of corruption against the commissioners in all these cities. They seem to be men of honesty and to have no desire to profit unfairly by their connection with the government. That this excellent condition cannot be wholly credited to the system is obvious.

As to the economy of the governments, there is, as yet, not sufficient data of experience to justify a point-blank statement. The object of the Galveston government has not been to reduce expenses, but to apply larger sums than the city has ever used before to pressing needs; and it has been necessary to create a new burden of interest. But it is a striking fact that while the tax valuations were cut down a fourth by the storm, and are gaining again slowly, the tax rate is substantially the same as in 1900. Galveston has a big financial problem, and it has been handled with rare skill and fidelity. It is a city in which private citizens have been accustomed to make great gifts for private buildings and institutions, and the commissioners have shown the same high public spirit. In Houston, the floating debt has been about cleared up in the three years of the commission, and the city has acquired the water works from a private company. It is a city growing fast and needing big public improvements. The impression made by contact with the commissioners is of a Yankee energy and attention to details. In Dallas and Fort Worth the govern-

ments have been in operation only about a year, but the impression seems to be that they are going well; certainly there is no organized opposition to the commission among the people who are governed by it. Dallas has one unusual piece of public property, namely, a fair ground, upon which an annual fair is held which brings in an annual income of \$50,000 to \$100,000. On the face of it, these commissioners are likely to be more prudent and thrifty than the usual city governments. In the first place the whole public service (excepting education) is concentrated into four departments, which means economy and avoidance of duplications. The control of the personnel practically by the head of each department, subject to the general determinations of the whole board, is close and effective. The Texas governments certainly make the impression of being more direct and to the point than those of most cities.

There remains the vital question whether the commissions are likely to be permanent, and the experience of Texas is not long enough to furnish an answer. Galveston is the only city in which there has been an opportunity to reelect commissioners more than once, and in Galveston the grade raising is not yet completed and the necessary causeway to the mainland is not yet begun: the people are bound to stick to the commission till those public works are finished. On the whole the argument that it is un-American to choose the same people to office several times in succession does not seem to be deeply felt in the Texan cities. It must be remembered always that Texas

commissioners are not nonpartisans, that they all belong to the dominant state party; that there is no question of disturbing a delicate balance of local parties; and that the state legislature keeps its hands off. Furthermore, there is a strong civic spirit in the community which has mightily aided in bringing about a general state of public feeling favorable to the commissions.

Nevertheless, it seems probable that after two or three terms, rival tickets will be set up and attempts will be made to oust the present commissioners; and the professional local politician is always in wait to demand that the people shall rule by a government of checks and balances; and the commission governments can also be overthrown by the legislature, which would be likely to respond to any demand of the majorities in the cities. Hence the future of the commissions is not assured. Much depends on their efficiency. The great advantage of commission government is that it in a high degree concentrates responsibility, through and under the Calvinistic doctrine of free will, the power to choose the right involves the power to choose the wrong. So that the ultimate defense of commission government, as of every other form of government, is watchful public sentiment. All that can be safely declared is that the Texan commissions are so far distinctly successful and are likely to last a considerable time, and perhaps will be permanent.

## CHAPTER XIII

### RESULTS IN DES MOINES, CEDAR RAPIDS, AND OTHER IOWAN CITIES

EQUALLY satisfactory results to those attained in Texas have been achieved in Des Moines and the other cities of Iowa which have adopted the commission form. John MacVicar, who has had experience under both the old and the new forms of government, having been a mayor under the old and a commissioner under the new, in an address before the Boston City Club, said that: "In place of it being unwise to place the power of tax levying and tax spending in one body, in Des Moines it has been demonstrated that it is a wise thing to do so. Our city council recently had before it the matter of a tax levy for the coming year. Des Moines taxes are rather high, but our bonded indebtedness is extremely low, amounting to about \$1,300,000. We pay cash for most of our improvements. Our people are quite as strenuous in their opposition to increased taxes as any community is liable to be, and when the council published a statement that it would be necessary to increase the tax levy four or five mills, a protest came from the people. The council showed that the people had voted this

additional tax levy themselves. They had voted two mills for city hall and two or more mills for flood protection, and the legislature had passed a law requiring that the city make a small levy for a pension fund for disabled firemen, and the council considered that that justified an advance in the tax levy. The public protest continued, however, and finally by vigorous retrenchment these improvements were provided for and the tax levy was not increased. It appears to me that had there been a legislative body to levy the tax and an executive body to spend the money there would have been trouble in Des Moines, as there is in Indianapolis and Fort Wayne under such conditions. The executive body would probably have refused to make the improvements voted because the legislative body had not provided the additional tax levy, and a strenuous endeavor would be made by each to shoulder the blame on the other, resulting in the friction that is so common under these conditions. As it was, there was no escaping responsibility by the council. If the tax levy was raised it was its fault; if the public improvements were not carried out the council would be held accountable."

Whatever may be the merits or demerits of the Des Moines plan, it has produced excellent results in Des Moines. As Commissioner MacVicar points out, it has created a new, active, and intelligent citizenship. The new spirit seems to pervade all kinds and conditions of the community. It seems to have made over the laboring men and labor organizations, business men, business interests, and business organiza-

tions. Previous to the advent of the Des Moines plan, the community was divided against itself, and, in spite of the biblical admonition as to the fate of a divided house, the citizens marveled that with all of their natural advantages the city did not progress and prosper. There was an east and west side of one river and a north and south side of another. There was a West Side School District and an East Side School District. There were seven wards and seven councilmen, besides two councilmen-at-large, all serving for nominal salaries, a mayor, a board of public works, named by the mayor and subject to the approval of the council, and separate boards in charge of the parks and public library.

According to the first annual report of the commission the new government kept within the revenues of the city, a practice that had not been followed by the old administration for years. At the end of its first fiscal year, the commission had made a relatively better financial showing, by approximately \$180,000, than the preceding administration at the close of its last fiscal year. In the details of administration in the various departments, however, the commission shows a gain over the old system in some and a loss in others.

During the first year the commission made a material increase in the number of yards of brick paving laid, but at a somewhat increased cost per yard over the preceding administration. During 1907, the last year under the old government, 46,780 yards were put down at a cost of \$82,413.57, or \$1.80 per yard.

During 1908, the first year under the commission, 54,603.33 square yards were laid at a total cost of \$111,178.11, or \$2.03 per yard, an increase of 23 cents per yard, or \$1,600.

Twenty-eight thousand seven hundred and fifty-nine yards of asphalt were laid in 1907 at a cost of \$2.09 per yard, or \$57,781.38; in 1908, 44,302 yards were laid at a cost of \$2.07 per yard, or \$91,993.94, a saving of \$885.

Twenty thousand and twenty-one yards of creosote block were laid in 1907 at a total cost of \$52,928.02, and in 1908, 11,166 yards were laid at a cost of \$29,871.05, an increase of about 3 cents per yard.

Twenty thousand and thirty-seven lineal feet of curbing were constructed during 1907, and during 1908, 15,335, and the costs were \$8,597 and \$6,214, respectively, a saving of approximately 2½ cents per foot in favor of the commission. The combined curb and gutter construction for 1907 was 33,141 feet, and cost \$11,713.24; for 1908, 4,195 feet and cost \$2,607.61, an increase of 27 cents per foot over the preceding year. In 1907, 62,302 feet of sewer were built costing \$105,327.97; in 1908, 51,755 feet were built costing \$102,141.70, an increase of approximately 28 cents per foot. The average cost of all the paving done by the old government in 1907 was \$1.98 per square yard, while that of the commission in 1908 was \$2.09, an increased cost of about 11 cents per yard.

It would appear from these figures that the commission during the first year not only failed to reduce

the cost of paving, but that, on the whole, it constructed its pavement at a slightly increased cost. The same thing is true in the matter of sidewalk construction. In 1907, 69,259 square feet of brick and 13,445 of cement walk were put down. The contract price on the brick was  $7\frac{8}{10}$  cents and on the cement  $10\frac{9}{10}$  cents. In 1908, 63,857 square feet of brick and 13,957 of cement were laid, the contract price for brick being  $8\frac{1}{2}$  cents and for the cement  $10\frac{3}{4}$  cents.

These figures, however, must be carefully weighed and analyzed. As the editor of the University of Wisconsin *Bulletin*<sup>1</sup> points out it must be remembered that all public improvements in Des Moines are let by contract, and that during 1908 there was an increase in labor costs as well as in the cost of materials, both of which were reflected in increased contract prices. On the other hand, it will probably be generally conceded that the paving materials were of a distinctly better quality and that specifications were more closely complied with under the commission than under the preceding administration. Prices will always be higher where there is a belief that specifications are to be insisted upon. Contractors were held strictly to specifications, and all claims for extras, a practice which had grown into an abuse, were rejected. Several carloads of inferior creosote paving blocks were rejected because they did not come up to the required test. So that taking all these into consideration—increased labor costs and contract prices, better material and closer conformity to specifications—it is quite

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<sup>1</sup>Ford H. McGregor.

probable that the commission, even in the matter of these public improvements, made a better showing than the old administration, notwithstanding the apparent disadvantage evidenced by the above figures.

In Des Moines the success of the commission will depend largely upon the showing which it can make in the department of streets and public improvements, since the city operates no public utilities. It has no municipal water works or public lighting plant, these services being furnished by private companies. On the other hand, street paving and maintenance are of unusual importance, because of the unusual extent of improved streets within the city. Des Moines has over seventy-five miles of paved streets—brick, asphalt, and creosote block—a larger number in proportion to population than any other city in the United States.

Being spread over so large an area, its sewage problem is equally increased. It has over 105 miles of sewerage. Thus the department of streets and public improvements is the most important department of the city from the business point of view, and the success of commission will largely depend upon the showing made by this department.

In the matter of public lighting the commission made a better showing than the preceding administration. The gas and electric service combined for the city during 1907 cost \$66,242.96, and during 1908, \$60,693.99, making a saving under the new plan of \$5,548.97. In addition, 71 more lights were

in use in 1908 than the year before. Electric arcs, 2,000 candle power, burning all night and every night, 4,000 hours per year, were \$95 and \$75 per lamp per year under the old administration, but were reduced to \$65 under the commission. The same lights on moonlight schedule, 2,182 hours per year, were \$65 per year in 1907, and \$65 per year in 1908; but in the latter year burned all night and every night, 4,000 hours per year. The rate of 32 candle power incandescents on an all-night schedule was reduced from \$24 per year to \$17.04. The commission secured the same rate for an all-night schedule, 4,000 hours per year, as the old administration did for a moonlight schedule of 2,182 hours per year. The gas rate was reduced from \$22 per year to \$17.

The total cost of caring for the dumps in 1907 and 1908 was exactly the same, \$2,160, but in 1908, 57,159 loads of refuse were received as against 44,637 in 1907. The average cost of cleaning catch basins was lowered from \$1.40 in 1907 to \$1.05 in 1908. The total for this work in 1907 was \$3,190.70, and in 1908, \$4,949.05, 2,272 being cleaned in 1907 and 4,682 in 1908. The wages of men with teams were increased from \$3.50 to \$4.50 per day, and those of day laborers from \$2 to \$2.25.

The planning of a civic center and the improvement of the river banks connected with it have been the most striking improvements made by the commission. These are so planned that there will be a grouping of public buildings in two blocks on each side of the river. The public library, new federal building, and

coliseum stand on one side and the city hall, now in process of construction, on the opposite side of the river. The commission is now parking both river banks, thus making a beautiful civic center and central park, of a naturally beautiful section formerly an eyesore covered with tumble-down shanties and river débris.

It seems to be the uniform opinion of business men in Des Moines that the streets have been better cleaned and the general tone of municipal service improved under the commission during its first year. It is significant in this connection to note that, whereas formerly Des Moines was divided into East and West Des Moines, both sides have been united in support of the commission.

In the matter of salaries the commission appears to have slightly increased the pay roll over that of 1907. The report of the auditor shows that in 1907 the roll was approximately \$256,570, as compared with \$262,475 for 1908, an increase of approximately \$5,905. As explained by the auditor in his report, these figures do not represent the complete list of salaries paid, mainly for the reason that the two do not cover exactly the same length of time, and that there is no record of the salaries paid in some of the different departments which were under different control prior to April 6, 1908. These increases were made in the departments of public affairs, public safety, and finance and revenue. The departments of parks and public property, and streets and public improvements, made quite substantial reductions. The

total salaries of the police department were decreased, but those of the fire department were increased.

The following comparative statement prepared by the city auditor shows the relative standing of the working funds for fiscal 1907 and 1908:

Cash on hand, April 1, 1907..	\$70,396.63
Claims outstanding.....	<u>55,085.83</u>
Excess cash over claims.....	\$15,310.80
Cash on hand, April 1, 1908..	\$72,790.11
Claims outstanding.....	<u>191,989.93</u>
Excess claims over cash.....	<u>119,199.82</u>
Loss, 1907.....	\$134,510.62
Claims outstanding, April 1, 1908.....	\$191,989.93
Claims paid by bond issue....	<u>175,616.07</u>
Claims that were not paid by bond issue.....	<u>16,373.86</u>
Cash on hand, April 1, 1908..	<u>72,790.11</u>
Excess cash over claims that were not paid by bond issue	\$56,416.25
Cash on hand, April 1, 1909..	\$164,352.05
Claims outstanding.....	<u>59,496.77</u>
Excess cash over claims.....	\$104,855.28
Gain, 1908.....	<u>48,439.03</u>
Gain, 1908 over 1907.....	\$182,949.65

An examination of this statement shows that the old administration at the close of its fiscal year left a deficit of \$119,199.82. This the commission met largely by the issue of bonds, in order that it might not be handicapped by a deficit at the be-

ginning. At the end of the year the commission had an excess of cash over claims of \$104,855.28, a gain during the year of \$48,439.03. In other words, instead of running behind during the year \$119,-199.82, as the previous administration had done, it ran ahead \$48,439.03, thus making a relative saving over the previous administration of \$182,-949.65.<sup>1</sup>

In a somewhat different way the *Kansas City Star*, in its pamphlet already alluded to, states the advantages accruing from the introduction of commission government in Des Moines. Here they are:

Des Moines has been operating under the commission plan for more than a year, and that city has a population of 100,000. Here are some of the results of the first year of the new rule in that city:

The police force taken out of politics, reorganized, increased, and kept to a higher standard of efficiency than ever before. The same improvement has been made in the fire department.

The streets are in better condition as to repairs; are cleaner and better lighted; more paving and more sidewalks built than ever before.

All Des Moines streets were renamed and neat street signs placed at every corner.

Water rates reduced twenty per cent.

Wages of day laborers increased to \$2.25 and teamsters to \$4.50 for an eight-hour day.

An arch cement bridge eighty feet wide built across the Des Moines river at a cost of \$150,000, and paid for without a bond issue.

The sanitary conditions improved.

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<sup>1</sup> See *Bulletin*, University of Wisconsin Extension Division.

Politics entirely eliminated from every department of the city.

All complaints of citizens for temporary repairs in sidewalks, streets, sewers, etc., attended to the same day they are received.

Seventy-one more arc lights established on the streets and 634 lights that formerly burned on the "moonlight schedule," now burn every night at an expense of almost \$12,000 less than the old rate.

And all this improvement in Des Moines city government has been made at a saving to the taxpayers of more than \$224,000 in a year, and in addition the tax levy for next year has been reduced almost three mills.

In the words of the Hon. Lafayette Young, former United States Senator from Iowa (and in reading his words it must be remembered that he is not a "progressive" in politics) : "One good feature of the commission plan is the doing away of partisan politics in municipal affairs. What does it matter whether a man is a Democrat or Republican when it comes to the government of a city? Political grafting is unknown under the commission plan of city government. The nonpartisan primary affords a fine example of an honest way of making nominations.

"Under the old form of city government progress had been difficult because of divided responsibility in regard to the receipt or expenditure of money. There is no reason why a city like Chicago should not be governed by five men, just as the affairs of a great railroad corporation are governed by an executive committee of three or five.

"There is not a railroad in the United States of any consequence which could be operated successfully under the slipshod methods which characterize the average city government. Des Moines has been under the commission form of government nearly three years, and has prospered. We are building a fine municipal structure, in which there is no city hall.

"It looks like a national bank.

"There is one thing about making public improvements under the commission form of government. It is possible to transact business. Delays are unknown. The new form of government is the instrument with which business can be transacted. It pleases the people. It gives the people more and more direct power. We have the recall to use in extreme cases. We have the initiative and referendum. If a councilman is going wrong there ought to be some way of taking him out of office without being compelled to indict him."<sup>1</sup>

There is another advantage of the commission government which the Des Moines *Capital* has very forcibly pointed out.<sup>2</sup> It asks the question: "If Des Moines within the short space of two years has become the most talked about and most written about town on the continent, what advantage will this publicity bring to it during the next twenty years?" The *Capital* then proceeds to answer its question in this fashion:

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<sup>1</sup> For a full and sympathetic account of the Des Moines experiment, see John J. Hamilton's "The Dethronement of the City Boss," published by Funk and Wagnalls (1910).

<sup>2</sup> See issue of September 12, 1910.

"If the men who framed the law now generally known as 'the Des Moines plan' had been actuated by the sole purpose of advertising their city they couldn't have gone about it in a better way. Even if the new plan had not given Des Moines the best municipal government of any city in the country, it would have been worth while merely as an advertising medium.

"This fact is apparent to anyone who has an opportunity to know to what an extent Des Moines is being talked about and written about throughout the length and breadth of the land. It is testified to by dozens of letters that reach Des Moines every day asking for information concerning the new plan of government and its operation; it is testified to by thousands of newspaper clippings gathered from all sections of the United States and Canada, in which the name 'Des Moines' stands forth in big, bold letters.

"Like wildfire the idea is spreading throughout the country. There is not a state in the Union which it has not reached. It has leaped across the border into Canada, and half a dozen of the most important cities of the Dominion are on the verge of accepting the Des Moines theory of municipal government. Even the ocean has failed to check its spread and Honolulu is discussing the benefits and disadvantages of government by commission, along with Fort Madison, Ia. Although the commission idea originated in the balmy climate of sunny Texas, it thrives equally well in a cold climate, as is evidenced by the interest being shown in several Alaskan towns.

"All the money which the Greater Des Moines Committee could raise in twenty years to advertise Des Moines could not buy the printed space which has been devoted to the city's experiment with its new form of government during the past two years. And now when the committee has begun to advertise in the great national magazines, the advantages of Des Moines as a place in which to live and do business, it is not calling attention to an unknown article. The country has already heard of Des Moines. The seed will fall on fertile soil. Magazine readers who have already heard what other people think of Des Moines, will want to see what she has to say for herself.

"And this is only the beginning. Every day another city takes up the discussion of government by commission. Every day brings more inquiries about 'how we do things in Des Moines.' Every day another high school or college selects the Des Moines plan as a question for debate. If to-day Des Moines is attracting more attention than any other city on the continent, what benefits can it not hope to realize in five years, ten years, twenty years? What will be the position of Des Moines when half the cities in the country are operating under its system of government?"

What is here said about Des Moines is equally true of Galveston. These two cities have found their civic achievements to be their most effective advertisements.

Charles D. Huston, formerly a member of the Cedar Rapids commission, in an address at the 1908

annual meeting of the Iowa League of Municipalities, spoke of his experience under the old and new systems. He had had eight years of continuous service as an official under the old charter government, four years as alderman, and four years as mayor, and thus was able to speak with full knowledge of both systems.

While the greater portion of the address was devoted to an exposition of the theory and principles of commission government, he presented a brief summary of the city's financial transactions under the new government which was significant. He said: "The city's revenues (not including special assessments) are approximately \$385,000 per annum. From January 1 to April 6, 1908, three months and six days under the old plan, there was paid out of these revenues the sum of \$119,639.12, which does not include \$5,000 expended by park commissioners during the same period. This is almost \$40,000 per month, which might be termed as operating expenses only, it being a season of the year when no improvements were being made and when no bonds or interest fell due. Under the commission plan in five months (lacking six days) there was expended a little less than \$152,000, or less than \$31,000 per month, and this included payment of \$49,600 in bonds and interest, all park expenditures, and \$2,500 in purchase money for additional property. Nor was this all, as the police department was augmented by the addition of five patrolmen, the fire department stables were replenished, city buildings put in repair and painted, many lights added, and the heaviest work of the year in street cleaning, grading,

etc., was on. Yet the expenses were about \$9,000 less per month than they had run when no betterments were being made.”<sup>1</sup>

On September 1, 1908, there was a cash balance in the city treasurer’s hands of \$113,078.92, which, with the revenues later collected, permitted the closing of the fiscal year with a handsome balance. The city, he added, had no unpaid bills, the commission having at the outset made a rule that all bills, except those for labor, should be discounted two per cent in ten days. “Interest amounting to about \$2,000 per annum will be collected on city funds during the last nine months of the year, and in three months alone the interest amounted to \$1,000 on an even \$100,000, for which a time certificate was taken. Heretofore the interest turned in amounted at best to about \$400 per annum. The city of Cedar Rapids has under construction at the present time the largest amount of brick paving, macadam road building, and water-pipe extension in her history, and soon will let a contract for the construction of a second concrete bridge over the Cedar River, which will cost approximately \$75,000, and other bridges of less importance, and there will be no increase in taxes to pay the bills.” Such a record, Mr. Huston submits, is a pretty good test of civic government.

One other bit of testimony for the commission plan, based on actual experience, should be quoted from the address of Commissioner Huston. “The new form of government,” he said, “has awakened more

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<sup>1</sup> Municipal Journal and Engineer, Vol. XXV, No. 18.

civic spirit in Cedar Rapids than was ever before known there. The plan is giving us a new Cedar Rapids. Men and women consult the members on a hundred things, seemingly trivial as a single proposition, yet important in the civil development as a whole, which in the days of the old plan would not have been considered worthy of attention. These matters, both great and small, receive prompt attention—so prompt, indeed, that men of years of experience under the old plan are really dazed by the suddenness of action at times."

There has been another chapter in Cedar Rapids experience not nearly so pleasing. It can perhaps best be set forth in the words of a resident who is deeply interested in the cause of better government generally and of commission government particularly.

"Cedar Rapids has not suffered any such loss as you speak of, the \_\_\_\_\_ shortage being about \$1,600, all of which has been made good by some friends and relatives of Mr. \_\_\_\_\_. Cedar Rapids, in my opinion, has been somewhat unfortunate recently in the selection of officials under the commission plan. I hailed the adoption of the commission plan with pleasure, holding that partisan politics would be eliminated and that the city's affairs would be conducted in a businesslike manner. I think we made some very material progress for a considerable time. Our mayor was a generous soul, but lacked the firmness to say 'No' to many little schemes which I am sure eventually caused the downfall of Mr. \_\_\_\_\_, and weakened confidence in the mayor, past and present, and

has caused some revolt against the plan. The first report, January 1, 1909, showed that we had kept within our income in the lighting department and given much greater and better service than ever before; that of the bridge fund, amounting to about \$15,000, we had spent less than \$500; that at the close of the year there was a credit in the public improvement fund of \$15,071.50; that in the streets and walks fund the balance to its credit was \$7,246.48. The streets were never kept better or a greater amount of permanent work done—but these credits were entirely wiped out to make good the great deficits in the park and other departments which seemed to us to be running riot as to expenditures and for which there was practically nothing to show. Long before the close of the year the mayor was warned that these departments were living beyond their means and pleaded with to ‘call a halt’ to save the credit of the city and his own reputation as an executive. Of course he promised, but that was the end of it.

“I never knew until very recently that Mr. —— was short as city clerk, he coming into the commission from the clerkship in 1908. The mayor and the chairman of the finance committee were appointed to settle with outgoing officers; they kept the matter wholly to themselves, and as it now transpires, gave Mr. —— from April 1 to May 22, 19—, to settle his account. Of course these two, being in possession of Mr. ——’s secret, the latter never was a free agent, and these men knowing this, invariably voted with Mr. —— for what I have always considered

trivial little 'jobs' for the benefit of political hucksters and not in the interests of the public, jobs engineered to give a little 'political sustenance' to questionable characters. That the mayor seemed to lack that fine discrimination necessary to a successful chief executive is best evidenced by the fact that he purchased from the head of the department of public safety a fine fire team that had run away once, for the sum of \$200, and which as they stand on our streets to-day are worth \$400 and which cost \$450 or \$500—sold and purchased without any authorization or record of any kind save the taking of a receipt from the treasurer of the city when the head of the department turned in the money. The mayor was pleaded with to turn the team back and not destroy himself and his administration from which the people expected so much, and though he would not agree to do this, he did promise that such things as were referred to would not occur again. Then the mayor was shot and finally died, and his successor did just as many and as strange things as his predecessor. The —— exposure came through the following incident: Some time last year —— introduced a resolution authorizing the purchase of a bull buffalo for the park zoo. He went to Keota for the purpose of seeing one that was for sale. On his return he reported that he had bargained for the animal, but that the owner would not deliver him until May 1, 1910, as he desired to use him in his herd. —— also stated that as the park season was about to close it would be better, anyway, to leave it there until spring, even though

he had bargained for it. But in June it was discovered there was no buffalo, also that the mayor had drawn the warrant for the purchase money to \_\_\_\_\_ and that the warrant had been cashed. Even the mayor seemed to have lost sight of warrant, buffalo, and all until the matter was uncovered by the new chairman of finance, and then the explosion came that is not over yet.

"As I have before said, I knew nothing of \_\_\_\_\_'s shortage until the recent exposure; neither was I aware that the mayor was drawing his warrants instead of their being payable to those who had the stock or goods to sell.

"No, the commission plan is not a failure in Cedar Rapids—it has simply lacked a proper application. With good men of reasonable ability and an earnest desire to be of service to the city it would prove very practical."

An incident, which probably better illustrates the efficiency of the new plan over the old in the matter of administration, is that connected with bridge construction in Cedar Rapids. The city had long been in need of three bridges across the Cedar river, one of which was much more needed than the other two. The proposition of building this one bridge was repeatedly brought up in the old council, but each time the aldermen from the wards in which the other two bridges were needed would immediately bring up the proposition of building the other two bridges also. The alignment of the ward aldermen was such that the council could not order the construction of any one

bridge without at the same time ordering the construction of all three. Finally, the question of a bond issue to build all three was submitted to popular vote, but was voted down by the people, who were opposed to so large an issue at one time. In this way, through log-rolling and wire-pulling in the old council, the construction of all three bridges was delayed for years, the aldermen in each ward refusing to yield precedence to any other ward. One of the first acts of the commission on coming into control was to order the construction of the bridge most needed. The bonds were voted and the bridge is now completed. The commission is now preparing to build the second one.<sup>1</sup>

The results in Keokuk have been highly satisfactory. The city was formerly a special charter city, and as such levied its taxes in the spring and collected them the same year. The commissioners levied the usual tax of forty mills on one-fourth valuation and agreed among themselves to pay off the floating indebtedness of the city and the running expenses of the city for the current year without overdrawing. These taxes were ordinarily not paid until August and September. The public-improvement commissioner asked the people to come to his assistance and pay the taxes in May, so as to provide funds with which to carry on the government. Such was the confidence of the citizens in their commissioners that by July 1 over forty per cent of the levy had been paid, and at that date the floating indebtedness had been wiped out.

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<sup>1</sup> University of Wisconsin Extension *Bulletin*.

It had been the custom of former councils to borrow from \$25,000 to \$30,000 to carry them over from the beginning of the council year to the last of August and pay five per cent interest on it. The present council has not borrowed a cent, and by arrangement with the city depository has obtained interest on the net daily balance, amounting at the present time to \$217.79.

The city owns about twenty acres along the water front, which is rented to business firms. Formerly, part of these renters paid their rent and part did not. Some had not paid for five years. These rents are now all collected up to date. So with the different city licenses. They were only partially paid. They are now all paid in advance. The Superior Court up to September, 1909, collected \$171.58, and this was considered a heavy collection for that time; its receipts for the previous five or six years having averaged between \$10 and \$15 per month. Its receipts for half of April, May, June, July, and August of this year were \$572.55, an increase of 333 per cent. There was no increase in crime, but there was a businesslike collection of costs.

In regard to expenditures, the commission form of government costs more for official salaries. The increase in Keokuk was from \$900 a month to \$1,300 a month. In spite of this increase, however, the expenditures from the general fund from which they were taken decreased from \$27,500 in 1909 to \$15,000 in 1910. The old council should be given a credit of \$8,000 expended in taking up time warrants. But

this still leaves the commission government \$4,000 to the good.

The principal reason for the success of the commission form of government in Keokuk, aside from the advantage of a business administration, has been the confidence which the general public has that its government is working for the best interest of every citizen. This has been shown by the way in which they advance taxes and by the cordial support which they have given to every move of the government.<sup>1</sup>

Under the former administration there were a number of people who received large compensation for certain services which they rendered the city. The commission stopped this. They not only reduced the compensation, but whenever the work was unnecessary, stopped it. The persons losing this income have naturally not been cordial to the administration, and have looked for a chance to discredit it.

Each commissioner has abandoned his private business and devotes his entire time to the business of the city. The council tries to get one hundred cents of value for every dollar of the city's money. It hopes to have a balance remaining in every city fund at the end of the fiscal year, and from present indications its hope will be fulfilled. It is trying to give the city of Keokuk a better administration than it has ever had and practically all of the citizens, except those whose perquisites are cut off, state that it is succeeding.

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<sup>1</sup>See *Des Moines Register*, September 25, 1910.

## CHAPTER XIV

### RESULTS IN MEMPHIS AND OTHER CITIES

MEMPHIS is the largest city that has so far tried the commission form of government for over a year, and the results there seem to have been apparently satisfactory both to the official and unofficial public, although there are not wanting those who are disposed to wait longer before pronouncing a judgment favorable to the system. In the matter of tangible results the following summary gives some idea of how active and effective the commission has been during the first year (1910) of its activities. It has

Constructed 30.6 miles of street pavement and partially completed 9.60 miles more;

Laid 52.67 miles of five-foot sidewalks;

Laid 34.93 miles of sanitary sewers;

Laid 4.34 miles of storm sewers;

Constructed 3.18 miles of culverts;

Reduced tax rate to \$1.75, the lowest in sixteen years;

By a trade with the banks (receiving three and a half per cent on deposits and paying but four per cent on overdraughts), from \$12,000 to \$13,000 were

saved over the old system of paying five per cent for overdraughts and receiving nothing for deposits;

Collected in pole rentals, previously unsuccessfully tried, to the amount of \$7,474.60;

By taking over the collection of city taxes from the county trustee, at least \$10,000 annually will be saved;

Erected a splendid police station building;

Erected a mounted police station for the protection of suburban residents;

Increased the equipments and facilities of all departments;

Materially increased the collections in all departments;

Gave the city a topographical survey;

Removed useless poles and compelled the joint occupation of others;

Materially added to the lighting of the city;

Purchased a site for a hospital for communicable diseases, to be erected this year;

Secured through the legislature the passage of the act permitting Memphis to issue \$150,000 of normal school bonds, thereby rendering certain immediate work upon this important educational institution;

Completely inventoried all city stock and equipment, discarded worthless animals and secured new ones, painted and repaired all vehicles and housed them from the weather;

Saved many thousands of dollars by the creation of the office of purchasing agent, thus doing away with careless buying;

In the various branches of the city engineering department the sum of \$1,364,865.95 was expended, almost \$300,000 more than in 1909, which previously held the high record mark.<sup>1</sup>

Prior to the Commission's administration the yearly average of delinquent taxes ran from \$60,000 to \$100,000, while taxes collected each year on previous delinquencies brought this amount down to \$20,000 or \$25,000, but in that respect budget expectations were usually disappointed. In 1910, the first year of the commission government, the delinquent taxes amounted to \$60,907.02, and for the first time in the city's history the taxes collected from delinquents amounted to \$62,681.34, or \$1,774.32 over the full budget allowance. This big delinquent tax collection was due to the fact that the city employed one of the assistant city attorneys to look after the matter. This forced settlement of a great many unpaid taxes. In addition, a series of letters was sent out to all who had not paid, calling their attention to the interest and penalties attached, so that a great many realized it would be cheaper to settle than to hold out any longer.

Mayor Crump reports that the administration had secured the removal of the Southern tracks across Adams Avenue, which had been an eyesore for many years and had remained despite all efforts of previous administrations, and that it had secured the actual construction of needed subways; and the construction of a cross-town line, which the street railway company

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<sup>1</sup> See first annual report of the Commissioners, January, 1911.

has partly built, and promises to complete early in the spring.

Perhaps the greatest achievement has been in the acquisition of subways. For more than ten years efforts had been made by different administrations to secure them, and because of the many fatalities at grade crossing, the press and people alike clamored for something to be done. This administration, by proceeding upon the basis that calm and deliberate conference with railroad officials would be more effective than rampant newspaper interviews, succeeded in reaching an agreement, and the results are now being made manifest.<sup>1</sup>

The year's work in the office of the building inspector has been especially directed toward the removal of old "shacks" and other disreputable buildings. The commissioners have stood steadily behind the inspector in this work, and it has resulted not only in the entire disappearance of these municipal eyesores, but in most instances in the construction of modern buildings, the ground being too valuable to remain idle.<sup>1</sup>

From an examination of the report which was forecasted at the Buffalo meeting of the National Municipal League<sup>2</sup> the New York *Tribune* seems to be amply justified in saying of the commission movement generally that "One of the best evidences of its substantial strength is that it has made progress quietly

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<sup>1</sup> See Mayor Crump's Report, January, 1911.

<sup>2</sup> See also Buffalo Proceedings, page 562.

and naturally. No political party is behind it, and the politicians generally oppose it as a serious invasion of their ancient rights and privileges. The plan is being tried on a small scale in many scattered communities, and its merits and defects are being gauged by people who have no interest in it except as a means to better local government. It is not being exploited as a fad, and if it proves its value the traditional form of city government will soon find it a formidable competitor for public favor. Everybody will admit that we have still much to learn in the experimental science of local self-government."

Encouraging as has been the record of Memphis under commission government, the record of Mayor Malone's administration which immediately preceded it was most satisfactory. In fact the *News Scimitar* declared it to be "an epochal administration," giving its reasons in this fashion:<sup>1</sup>

"James H. Malone has closed his four years' term as mayor of Memphis, and has rendered an account of his stewardship.

"It is a record of which any man may well be proud.

"It is a record for which any community should be grateful.

"It has marked an epoch in the history of Memphis, both in the things done and in the manner of doing them.

"First and foremost, the record has been absolutely clean. The public interest, and the public interest

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<sup>1</sup> See *News Scimitar*, January 2, 1910.

alone, has been the supreme purpose which he has kept constantly in view. The dive-keeper, the ward-heeler, and the machine politician—the hangers-on most in evidence around too many mayors—were conspicuous by their absence from the city hall during the whole of his administration. They have oftentimes seriously handicapped him by their enmity, but they could not influence nor control him. He has sometimes been criticised because he did not or could not play the political game with such gentry, but the fact that he could not descend to their questionable methods has been really the most significant and the most commendable feature about him as a man and as an official.

“Even if all his other achievements should be counted for naught, he would be handed down in history as the ‘man who paved Memphis,’ and future generations would rise up and call him blessed for this great public service.

“So many were the difficulties and legal complications involved in the inauguration of the front-foot assessment plan that only a lawyer of his eminent attainments and especial executive ability could have invoked order out of the chaos that existed, and put into operation the system, and the only system, by which Memphis could be promptly and equitably paved.

“We cannot in the short space of this editorial go into detailed facts and figures. Merely as an instance, however, of what has been achieved in the matter of street improvements, we take occasion in passing, to state that during his administration sixty miles of permanently paved streets and one hundred and sixty-

seven miles of granolith sidewalks have been completed, and scores of other street improvements have been projected and are ready for completion by the incoming administration. A few of the other big things done under his administration are:

"The legislation leading to the building of the new \$3,000,000 depot. The building of certain subways and the passage of ordinances which will lead to the construction of many others, one after another, until the last of the grade crossing death-traps shall be eradicated. The development of the most magnificent park system in the South, and one of the finest in the world. The expansion of our artesian water system, the largest and best of its kind in the world, until it is worth twice as much as the city paid for it. The extension of the city limits preparatory to the census of 1910. The doubling of the fund for public school purposes and the securing of the state normal school for Shelby County. The improvement of the health department until Memphis now ranks third among the cities of the United States in point of health. The radical reform in the methods and results of the city court. The excellent results in the trial of causes by the legal department. The increase in the revenue, the improvement in the keeping of the city accounts, collecting its revenues, running its market house, wharf department, building inspector's office and various other departments of the municipal government.

"Besides those undertakings completed, many others are in process of development, and need only to be completed by the succeeding administrations. For

instance, bond issues have been authorized to build a new police station and to buy the Memphis & Charleston yards for park purposes, to erect a new industrial school which is to cost \$350,000, and to construct additional grammar schools to cost \$150,000. The quarters of the city officials in the magnificent new courthouse have been furnished at an expense of \$35,000, and the mayor and other city officials moved into the new apartments a few days ago.

" Not the least wonderful part of this record is the fact that while all these things have been accomplished, the tax rate has been lowered. The tax rate under the previous administration went as high at one time as \$2.88 per hundred. The tax rate for the year 1909 was only \$1.76 per hundred. Under the old regime there were three separate tax rates in operation in three separate divisions of the city. Under the Malone administration a uniform rate of taxation has been adopted for the whole city.

" When Malone came into office the city owed a current indebtedness of \$200,000. He put the city on a cash basis and goes out of the office leaving no open accounts unpaid.

" An illustration of this wonderful growth is shown in the fact that sixteen million dollars of permits for the erection of buildings have been issued in the last four years, and the city's taxable values have increased from \$66,000,000 to \$84,000,000

" There has been a corresponding increase in the population of the city during this time, and at the close of the administration Memphis is in a more prosperous

condition in every way than at any previous time in her history. As he hands the municipal government over to his successor the future of Memphis is bright with promise in every respect."

Even though strongly stated by an admiring supporter, the claims made for Mr. Malone's administration are borne out by the final report of his work which he submitted at the conclusion of his term and which should be consulted by a conscientious and high-minded official, bent upon a public-spirited performance of his duties, even under a poor law.<sup>1</sup>

From Wichita, Kan., comes the statement<sup>2</sup> that the first examination of the records of the city government under one year each of the old form and the new commission form indicates that the cost grew alarmingly in every department. According to the figures available, the commission expended one half more than did the former government. One year of commission rule cost \$318,942.75, while the last year under the old form cost \$208,281, making a difference of \$110,661.75. This means an increase of fifty per cent if the figures are reliable.

Under the new regime the bookkeeping is so clear that every dollar can be traced, while the old form was decidedly weak in its method of keeping accounts. Hence the conclusion that the new form has cost fifty per cent more than the old must be subject

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<sup>1</sup> See last Annual Report of James H. Malone, Mayor of Memphis, December 31, 1909.

<sup>2</sup> See article of Park S. Warren in the Wichita *Beacon*, February 23, 1911.

to slight amendments growing out of the lack of system in the old form.

Expenditures coming under the entire commission, such as salaries, donations, and other items not chargeable directly to some department, are:

Executive department.....	\$25,556.10	
Donations.....	4,770.00	\$30,326.10
Under the Mayor:		
Police department.....	36,959.50	
Fire department.....	43,791.10	80,750.60
Under Commissioner Cone:		
Finance department.....		2,670.43
Under Commissioner Means:		
Lighting department.....	28,669.29	
Water department.....	16,643.29	45,312.58
Under Commissioner Stewart:		
Park department.....	14,150.39	
Public buildings.....	6,258.57	
Health department.....	11,407.54	31,816.50
Under Commissioner Roetzel:		
Street department.....	57,542.06	
Engineer's department.....	35,865.24	
Sewer department.....	16,307.50	109,696.80
Election commissioner.....		7,167.90
Printing.....		7,468.15
Legal department.....		3,496.00
Civil service commission.....		237.60
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Total.....		\$318,942.75

Of this total the mayor has superintended the expenditure of \$80,000; Commissioner Cone, \$2,670;

Commissioner Means, \$45,312; Commissioner Stewart, \$31,816; Commissioner Roetzel, \$109,696. The entire commission as a body has spent the rest, amounting to about \$48,000.

Because the system of bookkeeping was not so plain, the last year of the old form offers difficulties. Taking the warrant book of the treasurer as a guide, Mr. Warren found that the commission form cost the city \$110,661.75 more than the old did. This conclusion, however, cannot be drawn with confidence, because there are so many warrants among those issued under the old form under the head "miscellaneous" which do not tell for what they were issued, giving only the name of the party to whom issued. Evidently all supplies, and payments of every nature are included, and it destroys the possibility of a comparison, because some of these warrants covered liabilities not included in the general expense, such as interest payments on bonds, payments of improvement bonds, and other unusual bills. The last year of the old government there were \$124,975.60 worth of such warrants issued.

The commission government inherited about \$20,000 in bills for which no warrants had been drawn during the last month or two of the year. These should be added to the liabilities of the old administration.

Every "miscellaneous" expenditure under the commission form is included in the department which contracted it, but under the old it is impossible to tell how much of the total miscellaneous belongs to each

department. Hence the difficulty to give exact figures. But on the surface are to be found the following differences in favor of the former administration:

Salaries (new form) . . . . .	\$22,096.98	
Salaries (old form) . . . . .	12,548.76	\$9,548.22
Donations (new) . . . . .	4,770.00	
Donations (old) . . . . .	2,216.60	2,553.40
Police and fire (new) . . . . .	80,760.50	
Police and fire (old) . . . . .	61,201.54	19,549.06
Light, water, printing, health (new) . . . . .	64,188.27	
Light, water, printing, health (old) . . . . .	46,418.76	17,769.51
Park and buildings (new) . . . . .	20,408.96	
Park and buildings (old) . . . . .	15,997.94	4,411.02
Elections (new) . . . . .	7,167.90	
Elections (old) . . . . .	3,253.16	3,914.74
Legal (new) . . . . .	3,496.00	
Legal (old) . . . . .	1,944.30	1,551.70
Street, engineer, sewer (new) . . .	109,696.80	
Street, engineer, sewer (old) . . .	63,079.53	46,617.27

These figures show that there has been a considerable increase in every department, but it must be borne in mind that the city has been growing rapidly and that a great number of improvements required more expenditures.

Kansas City, Kan., is the largest city in that state, and in December last it completed nine months of experience under commission government, and the close of 1910 saw the city established on a cash-paying basis and a surplus in every fund save one, the lighting fund. The floating debt was very nearly wiped

out without intrenching on this year's revenue. In fact, no part of 1911's receipts were used for 1910 expenses, which I am told was a unique experience in the history of the city.

All Kansas towns are not committed to the commission form. I had seen a newspaper dispatch stating that a certain community had adopted the plan, and I wrote to the mayor to secure verification. I received the following postal card in reply: "Aug. 24, 10. To National Municipal League, Philadelphia, Pa., Gents; Yours to hand to day about the Commission form of Government well we do not have it never have Had it we think it is to expenciv for a small place may do in larger places but what we know of it here we do not want it our people voted it out at two Elections by very large percent of voters so we cannot give mutch light on it.

"Yours very Respct. ——— Mayor."

Enough said!

Commission government experience, however, is by no means confined to the central West. Reports similar to those already quoted may be cited alike from the East and the far West.

Here is a striking report from the far East: Haverhill's former government was typically American, which is to say that its machinery consisted of a mayor, aldermen, councilmen, and numerous boards, all sharing power with each other. A victim of Montesquieu's doctrine of divided powers, the system, to use the words of a municipal expert, was "cursed with the curse of divided responsibility." This mul-

tiplicity of authorities was meant to secure democracy and efficiency, but the government of Haverhill embodied neither.<sup>1</sup> The ward plan of representation made the city legislature a contending chamber for the narrow and conflicting interests of particular wards. "It was a case of swap a lamp post in Ward 3 for a special policeman in Ward 5," declared a man in the street. No wonder a constructive plan of street building was impossible. Of course, the finances of the city suffered under such a system, and in January, 1909, a floating debt of \$160,000 had accumulated, the fruits of a policy of making up annual deficits through a resort to bond issues. It is significant of the inefficiency of the old government that one of its last acts was to issue \$39,000 worth of bonds with which to pay *current* expenses. An exhaustive search of the city's financial record by Harvey S. Chase & Company, of Boston, expert accountants, shows conclusively how old methods, whereby no one at the City Hall seemed to know the exact condition of the city treasury, have been replaced by new ones; how the 1909 administration was painstaking in making sure that all current expenditures were met by current receipts, in contrast to the lax methods displayed by those in power in 1908, and how, most important of all, the city was run within its income per the \$12 tax rate, a feat which the report says had not been accomplished for years. In figures the statement says that at the end of the fiscal year, 1909, there was a surplus of \$36,511.87 in the treasury as compared to a defi-

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<sup>1</sup> See Oswald Ryan in *The Boston Common*, October 8, 1910.

ciency of \$79,451.66 at the same period in 1908, making the showing of the 1909 administration \$115,-963.53 better than that of the preceding administration. The margin of revenue inside the \$12 tax limit, over expenses, was \$6,867.73, this figure proving beyond any question or doubt that Mayor Moulton lived up to his campaign promises of 1908. On this one point the accountants say that "such a result has not been achieved in Haverhill for many years. The present administration deserved much commendation for its foresight and vigilance in supervising the city's expenditure and in holding down the totals to the limit."

Haverhill's deplorable financial condition, more than any other thing, pointed out the urgent need of a change. To the practical efficiency of the new government the striking improvement in the city's finances further attests. As a result of the application of improved business methods, \$15,000 was saved in current expenses during the first year of the new regime, \$61,000 worth of bills received as a legacy from the old government were paid off, a bonded indebtedness of \$133,000 was swept away, and a cash surplus deposited to the credit of the people. The confidence which the new government inspired in the people resulted in an increase of \$17,000 in the tax collections over previous years.

No systematic oversight over expenditures was kept under the old regime, which bought supplies at rates dictated by the dealers and permitted gross extravagance and waste in the administration of the

departments. The new government, through the department heads, keeps a rigid supervision over expenditures, requires a cash discount on the prepayment of bills, lets municipal work on a system of competitive bids, and buys municipal supplies in large quantities, effecting thereby a substantial saving. Clearly the application of economy and promptness to the city's affairs would not have been possible under the old government, with its numerous standing committees, with their power of expenditure without reference to the council, its bicameral legislature, and executive veto.

Under a Massachusetts statute, in 1900, the Socialist Mayor of Haverhill appealed to the State Gas and Electric Light Commission for protection against exorbitant gas and electric rates. The state commission, acknowledging the justice of the city's cause, fixed a maximum gas rate of 80 cents per thousand. The Haverhill Gas Company, contending that the commission's act was confiscatory under the Fourteenth Amendment of the Federal Constitution, secured an injunction from the Federal District Court against the enforcement of the commission's order. A master was appointed to investigate the case, but the investigation never took place and the case slumbered. Neither the commission, the court, nor the city government made any serious effort to reopen the case. Meanwhile, the city government and the people of Haverhill continued to pay the old gas rate of \$1.

Immediately after the inauguration of the present

government, the city commission, at the advice of the city solicitor, served notice on the gas company that the city would discontinue paying the \$1 rate. The solicitor took the case to the Massachusetts Supreme Court and obtained an order assuring the city, as such, eighty-cent gas.

Now the city government has secured the eighty-cent rate, but, because of the subject relation in which it stood to the Commonwealth, it was helpless as to the main question of the price of gas to the people of Haverhill. The city was really not a party to the case, its rightful privileges having been consigned by law to authorities over which it had no control. The only possible escape from the situation seemed to lie in municipal ownership, and the city government at once went to work to study the question.

After a preliminary announcement of its determination to construct a gas and electric plant (the electric light monopoly also having refused to lower its high rates) the gas company opened negotiations with the local commission, with the result that a new franchise, satisfactory to the government, has been granted to the company, which has been reorganized. The municipal ownership plan has, therefore, been abandoned in the case of the gas company, but the electric light company having refused to adjust its differences with the city, the question of the construction of an electric plant has been favorably voted upon by the city commission and will be submitted to the people for decision in the next election.

What conclusions, Mr. Ryan asks, may we draw from Haverhill's experience under commission government? It is perhaps too early to render final judgment on the commission plan and dogmatic conclusions as to the efficiency of this system would possess little value. But the Haverhill experience unmistakably points the way to municipal improvement in cities of its size. The prompt and efficient transaction of the city's business requires an administrative machinery fundamentally different from the antiquated system of "checks and balances."

"But there is another element in the problem," Mr. Ryan declares, "the character of the people on whom the government rests. The Twelfth Census shows 3,000 out of the 7,000 voters of Haverhill to be foreign born, but the great bulk of this class are French Canadians, a thrifty, intelligent, and public-spirited people. Moreover, Haverhill is a great shoe town and shoe workmen are intelligent as a class. Thus, commission government in the case of Haverhill has rested upon an electorate of strong citizenship. Would the plan succeed in another city where the civic ideal is of a different fabric due to a different type of electorate? It is well in this connection to remember the statement of the Boston Finance Commission that 'no charter is a self-executing instrument of righteousness.'"

Going from the Atlantic to the Pacific, we find the city of San Diego in California rejoicing in its experience under commission government. Its mayor, Grant Conrad, has taken a deep interest in the devel-

opment of the work of the city, and at the St. Paul meeting of the League of American Municipalities (August, 1910) told the story of what had been accomplished. The condition of the finances of the city at the close of the first year of commission government shows a marked improvement over the previous year, due to the saving effected by the reduction of running expenses of the various departments and the saving in the purchase of supplies used by the city through the establishment of the purchasing bureau.

By the new system instituted by the finance department, the city is able to purchase many articles at wholesale which were formerly bought at retail, thus saving a large amount of money. All indebtedness incurred must emanate by authority of the commission and pass through the office of the superintendent of the department of finance, where a complete record is kept of every transaction. It is estimated that this department through its system of requisitions and checks has effected a saving to the city of at least \$25,000 during the year. The bonded indebtedness of the city was reduced about \$59,000, and the tax rate thirteen per cent.

A decided improvement was shown in the street department. Streets are now being paved under the ten-year bonding plan and the city expects to pave ten miles and more of its streets in 1911. The streets of the city as a whole are in better condition than ever before. A new contract has recently been made for street lighting by means of which the city secures

a reduction of nearly thirty per cent in the cost of street lighting. Under the new contract which went into effect June 1, 1910, the city is now paying \$5 per month for arc lamps instead of \$7 per month under the old system. In the engineer's department there has been a reduction in the salaried list of \$760 per month, notwithstanding the fact that the work of this office has greatly increased.

A good showing has also been made in the department of fire and sewers. The fire department has been greatly improved and enlarged and put upon an efficient basis. The loss from fires the past year has been exceedingly low. The creation of the office of fire marshal and the regulation of storage of explosives and combustibles has greatly lessened the danger of fire. The department is now independent of politics and has been built up by a class of men who take pride in their work. The tests of the five steamers belonging to the city which were recently made by the National Board of Fire Underwriters show the highest efficiency attained by any fire department in the United States. The Board gave San Diego a rating of 103 per cent, as compared to a rating of 73 per cent of efficiency which this city received five years ago. This high rate of efficiency has been attained by rigid drill and discipline, and shows the excellent work the department is doing.

To keep pace with the growth of the city, the sewer department has laid 18 miles of sewer pipe during the past year. Under the old system sewer extension work was done by contract. Under the present

system it is done by day labor at a saving to the city of about six cents per foot.

One thousand new connections were made by the water department and about 1,100 new meters were installed and 41 miles of new water pipe was laid. Notwithstanding more than half of this new water pipe was paid out of the funds from the water department, this department closed the year with a net balance of \$20,000. The surplus for the previous year was less than \$1,000.

The police department has been reorganized and put upon a thoroughly efficient basis. The laws governing the sale of liquor have been rigidly enforced. Many "blind pigs" have been raided and broken up and a number of gambling clubs suppressed, while the dance halls in the red-light district have been closed. Many undesirables have left the city, and the moral atmosphere of the city has been greatly improved. The *San Diego Tribune* of March 22, 1910, stated that San Diego was probably freer of men and women of the undesirable class than any other city of similar size in the West. A leading Methodist clergyman recently declared that San Diego was the cleanest city in which he had ever lived. The reforms accomplished by the police department could not have been accomplished under the old political system, where the administration of the department was in the grip of a political boss.

From Tacoma comes word that, unlike Des Moines and other commissioned governed cities which show large savings from the beginning, the city in

the first three months of its trial of the commission system has exceeded the disbursements of the corresponding quarter of 1909 by \$130,000. About the only new work started since the new form of government succeeded the old is the Green River gravity plant. But few have been placed in the field on this work and the added expense has not been large. The following table shows the operating expenses during the months of May, June, and July:

	1910.	1909.
May.....	\$247,000.40	\$240,511.31
June.....	273,955.16	245,996.26
July.....	311,931.22	213,615.55
Totals.....	\$832,886.78	\$700,123.12

This shows a difference in the net cost of the old and the new form of government of \$132,763.66 in favor of the old system. The old council set aside \$50,000 as a starter, but the expenses of the fire department have practically wiped out this nest egg. None deny that the city has grown during the past twelve months. The old city council made provision for larger expenses and bigger receipts were counted on.<sup>1</sup>

Governor A. O. Eberhart, of Minnesota, is a resident of Mankato in that state. This place has had a commission government for upward of a year and here

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<sup>1</sup>It would seem that possibly the wrong men had been chosen to put the new law into effect, however, as the mayor was recalled in April, 1911, and later two other commissioners.

is what the Governor, who takes a broad view of such matters, has to say about its operation there:

"I have lived in Mankato a great many years, and I think it will be conceded I ought to be in a position to know just what public sentiment is in that city with regard to the commission plan. I wish to repeat the statement made to the *Sentinel* yesterday, that the commission form, as applied to Mankato, has proved an unqualified success, and a very large majority of the people are unconditionally determined on continuing the new form of government. In fact, it would be impossible to work up any sentiment that would amount to anything in Mankato against the bill.

"Experience of other cities has already proven that the arguments which are being raised against the plan are not well founded. It is noticeable that where the strongest opposition has voiced itself, it can be traced back to interests which do not wish to obey the law and to the old-time ward politicians, who are afraid of losing their power. The commission plan will sound the death knell to both of these opposing interests. The commission plan may not be perfect, but it is much more so than the ward plan. If the plan is adopted in Missoula, it will be found that the commission plan brings into service the very best type of public-spirited men in the community. That such will be the case here is indicated to me by the fine body of men I have met here, who are strongly advocating the plan."

## CHAPTER XV

### THE GROWTH OF THE MOVEMENT

No single movement in the whole domain of municipal affairs has had the marvelous, rapid, and the widespread growth as has that for the commission government of American cities. Fifteen states now have general laws giving to the cities within their borders an opportunity for the adoption of the plan: Texas, Iowa, Kansas, North Dakota, South Dakota, Mississippi, Minnesota, Wisconsin, Illinois, South Carolina, New Mexico, Utah, Wyoming, Alabama, and Montana. In each of these one or more cities have availed themselves of the opportunity so offered.

To this list must be added the states of California, Colorado, Oregon, Michigan, Missouri, Oklahoma, and Washington, known as "home rule states," in which cities may frame their own charters. In each of these, save Missouri (and even there St. Joseph has a modified form of commission government), one or more cities have adopted commission forms of government. In a number of states the system has been established by special charter.

As was pointed out in Chapter I,<sup>1</sup> 267 cities are considering the question.

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<sup>1</sup> See page 1.

The following is a list of cities now governed by a commission government, with some one or more of the modifications described in the Chapter on "The Analysis of the Commission Form":

### CITIES ADOPTING THE COMMISSION PLAN OR A MODIFIED COMMISSION FORM

#### NORTH ATLANTIC DIVISION

##### MASSACHUSETTS

Chelsea	Charter	34,072
Gloucester (modified) (1909)	"	24,398
Haverhill (1909)	"	44,115
Lynn (1911)	"	89,339
Taunton	"	34,259

##### NEW JERSEY

Trenton		96,815
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#### SOUTH ATLANTIC DIVISION

##### MARYLAND

Cumberland		21,839
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##### WEST VIRGINIA

Bluefield (1909)	Charter	11,188
Huntington (1909)	"	31,161
Parkersburg (1911)	"	17,842

##### NORTH CAROLINA

Charlotte (1910)	Charter	34,014
Greensboro (1911)	"	15,895
High Point (1910)	"	9,525
Wilmington (1911)	"	25,748

##### SOUTH CAROLINA

Columbia (1910)	State Law	26,311
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#### EAST NORTH CENTRAL DIVISION

##### ILLINOIS

Braceville	(1911)	State Law adopted by city	971
Carbondale	"	" " " " "	5,600
Clinton	"	" " " " "	5,165
Decatur	"	" " " " "	31,140
Dixon	"	" " " " "	7,216

Elgin	(1911)	State Law adopted by city	25,976
Hillsboro	"	" " " "	3,424
Jacksonville	"	" " " "	15,326
Kewanee	"	" " " "	9,307
Moline	"	" " " "	24,199
Ottawa	"	" " " "	9,535
Pekin	"	" " " "	9,897
Rochelle	"	" " " "	2,732
Rock Island	"	" " " "	24,335
Springfield	"	" " " "	51,617
Spring Valley	"	" " " "	7,035
Stirling	"	" " " "	7,467
Waukegan	"	" " " "	16,069

## MICHIGAN

Harbor Beach	Home Rule Law	1,556
Pontiac	" " "	14,532
Port Huron	" " "	18,532
Wyandotte	" " "	8,287

## WISCONSIN

Appleton	State Law adopted by city	16,773
Eau Claire (1910)	" " " "	15,543

## WEST NORTH CENTRAL DIVISION

## MINNESOTA

Faribault (1911)	Home Rule Charter under State Law	9,001
Mankato (1910)	Home Rule Charter under State Law	10,365

## IOWA

Burlington (1910)	State Law	34,234
Cedar Rapids (1908)	" "	33,811
Davenport	" "	43,028
Des Moines (1908)	" "	86,368
Fort Dodge (1910)	" "	15,543
Keokuk (1910)	" "	14,008
Marshalltown (1910)	" "	13,374
Sioux City (1910)	" "	47,826

## MISSOURI

St. Joseph	(Modified form)	77,403
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## NORTH DAKOTA

Bismarck (1909)	State Law	6,000
Mandan (1909)	" "	3,873
Minot (1909)	" "	6,188

## SOUTH DAKOTA

Aberdeen	State Law	10,753
Chamberlain	" "	1,275
Canton	" "	2,103
Dell Rapids (1909)	" "	1,367
Huron (1909)	" "	5,791
Pierre "	" "	3,656
Rapid City "	" "	3,854
Sioux Falls "	" "	14,094
Vermillion "	" "	2,187
Yankton "	" "	3,787

## KANSAS

Abilene (1910)	State Law adopted by city	4,426
Anthony (1909)	" " " " "	2,835
Caldwell (1910)	" " " " "	2,064
Cherryvale (1910)	" " " " "	5,925
Coffeyville "	" " " " "	12,687
Council Grove "	" " " " "	2,545
Dodge City "	" " " " "	3,214
Emporia (1910)	" " " " "	9,058
Eureka "	" " " " "	2,244
Girard (1910)	" " " " "	2,552
Hutchinson (1909)	" " " " "	16,364
Independence "	" " " " "	10,480
Iola (1910)	" " " " "	9,032
Kansas City "	" " " " "	82,331
Leavenworth (1908)	" " " " "	19,363
Marion (1910)	" " " " "	2,133
Neodesha "	" " " " "	2,283
Newton (1910)	" " " " "	7,682
Parsons "	" " " " "	12,463
Pittsburg "	" " " " "	14,755
Topeka "	" " " " "	43,684
Wellington "	" " " " "	7,034
Wichita (1909)	" " " " "	52,450

## WEST SOUTH CENTRAL DIVISION

## KENTUCKY

Newport (1910)		30,309
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## TENNESSEE

Chattanooga		44,604
Memphis (1910)	Charter	131,105

## ALABAMA

Birmingham (1911)	State Law	132,685
Montgomery	" "	38,136

## MISSISSIPPI

Clarksdale (1910)	State Law	4,079
Hattiesburg "	" "	11,733

## LOUISIANA

Shreveport (1910)	State Law	28,015
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## OKLAHOMA

Ardmore (1909)	Home Rule Charter	8,618
Bartlesville (1910)	" " "	6,181
Duncan	" " "	2,477
Enid (1909)	" " "	13,799
El Reno (1910)	" " "	7,872
Guthrie "	" " "	11,654
McAlester "	" " "	12,954
Miami "	" " "	2,907
Muskogee "	" " "	25,278
Oklahoma City (1911)	" " "	64,205
Purcell	" " "	2,740
Sapulpa (1910)	" " "	8,283
Stillwater (1911)	" " "	3,444
Tulsa (1909)	" " "	18,182
Wagoner (1910)	" " "	4,018

## TEXAS

Aransas Pass (1910)	State Law	1,197
Austin (1911)	Charter	29,860
Barry (1910)	State Law	
Beaumont (modified)		20,640
Corpus Christi (1909)	Charter	8,222

Dallas	(1907)	Charter	92,104
Denison	"	"	15,632
Elkhart		"	
El Paso	(1907)	"	39,279
Fort Worth	"	"	73,302
Galveston	(1901)	"	36,981
Greenville (partial)	(1907)	"	8,850
Harlingen			
Houston	(1905)	"	78,800
Kennedy	(1910)	State Law	1,147
Lyford	"	" "	
Marshall	(1909)	Charter	11,452
Marble Falls	(1910)	State Law	1,061
Orange			5,527
Palestine	(1909)	Charter	10,482
Port Lavaca	(1910)	State Law	1,200
Sherman			12,412
Waco	(1909)	Charter	26,425

## MOUNTAIN DIVISION

## IDAHO

Boise			17,358
Lewiston (1907)		Charter	6,043

## COLORADO

Colorado Springs (1909)		Home Rule Charter	29,178
Grand Junction	"	" " "	7,754

## UTAH

Logan		State Law	7,522
Murray	"	" "	4,057
Ogden	"	" "	25,580
Provo	"	" "	8,925
Salt Lake City	"	" "	92,777

## NEW MEXICO

Boswell (modified) (1910)		State Law	6,172
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## PACIFIC DIVISION

## WASHINGTON

Seattle (Semi-Commission)			237,194
Spokane (1911)		Home Rule Charter	104,402
Tacoma (1910)		" " "	83,743

OREGON		
Baker City (1910)	Home Rule Charter	6,680
<b>CALIFORNIA</b>		
Berkeley (1909)	Home Rule Charter	40,431
Modesto "	" " "	7,258
Monterey (1911)	" " "	4,923
Oakland (1909)	" " "	150,174
Riverside "	" " "	15,212
San Diego (1909)	" " "	39,578
San Luis Obispo (1911)	" " "	5,157
Santa Cruz "	" " "	11,146
Vallejo	" " "	11,340

CANADA		
NEW BRUNSWICK		
St. John's		40,711

Although to date there has been no repeal of any commission government law or charter, the proposition has been defeated in a considerable number of cities, of which the following is a list:

**LIST OF CITIES IN WHICH COMMISSION GOVERNMENT HAS BEEN DEFEATED**

Pueblo, Colorado.

Bloomington, Champaign, Charleston, Danville, Galesburg, Greenville, Joliet, La Grange, Monmouth, Petersburg, Peoria, Quincy, Rockford, Savanna, Sterling, Sycamore, Taylorville—Illinois.

Caney, Eldorado, Fort Scott, Hiawatha, Paola, Winfield—Kansas.

Lexington, Kentucky.

Highland Park, Michigan.

Albert Lea (postponed), Mankato (afterwards adopted)—Minnesota.

Biloxi, Mississippi.  
Bayonne, New Jersey.  
Asheville, Raleigh, North Carolina.  
Fargo, Grand Forks, North Dakota.  
Claremore, Chickasha, Guthrie, Oklahoma City,  
Sapulpa, Oklahoma.  
Portland, Oregon.  
Fort Pierre, Mitchell, Spearfish, Vermillion, Watertown, South Dakota.  
Cuero, San Antonio, Taylor, Texas.  
Bellingham, Washington.  
Chippewa Falls, Janesville, Wisconsin.

In a large number of states there are strong and vigorous campaigns on foot which give promise of successful issue. The Governor of Pennsylvania, the Hon. John K. Tener, in his inaugural message in January, 1911, declared in favor of commission government, saying that "Since Galveston, Texas, adopted a commission form of government to secure its rehabilitation after almost total annihilation, approximately a hundred cities of this country have followed in its wake and are to-day prospering under the most efficient and economical form of government yet devised for the administration of public affairs.

"Briefly put, the controlling idea of the system is that a city being a corporation should be governed as a corporation, by a board of directors; the board should be small and properly compensated, and directly responsible to the people, and thus an honest, efficient and economic business management can be

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NOTE.—List made up to June 15, 1911.

had. There are many cities in the Commonwealth which doubtless would hasten to avail themselves of this form of government if it were legally available. Serious consideration, therefore, should be given by the Legislature to this important subject."

A strong "Committee of Allied Civic Bodies," representing cities of the third class and boroughs in Pennsylvania, prepared a bill, which was a comprehensive one, providing for vesting the legislative power in a mayor and four councilmen and no officers of the United States or of the State of Pennsylvania were eligible as councilmen. The bill failed of passage; but its promoters feel a measure of encouragement because of the fact that the question was a new one in Pennsylvania; and because some of the main principles were embodied in the "Pittsburg Plan" for cities of the second class.

New Jersey has been the scene of another encouraging and successful fight for the adoption of a commission government law. In the early days of December last the State Civic Federation was asked to interest itself in this form of government. It found that there were five cities more or less definitely interested: Newark, Jersey City, Trenton, New Brunswick and Passaic. A conference of the city officials and boards of trade of these cities was called to meet at the Newark City Hall, January 4, 1911. The ground was gone over thoroughly, and in a general way it was thought that three features should not be included in any legislation covering the proposition. These features were the educational system of the

towns, which was covered by state laws, the civil service, likewise so covered, and the recall, because it seemed to be the impression of those present that the introduction of this feature might make any bill prepared fail of passage.

At a second conference on January 17, twelve cities were represented. And again the ground was carefully gone over, this time on lines determined by the first conference. During this time Trenton had been active. Its Chamber of Commerce had arranged for a day on the "Know Your City" program, which program was carried out during the week of January 22 to 27. At this meeting nineteen cities were represented, both by boards of trade, chambers of commerce, civic associations, and by city officials. The mayors of eight or nine of these cities were present and took active part in the program. Further committees were appointed and a final conference called in Newark. This conference met and discussed the matter to a finish.

During the Trenton meeting sentiment had slightly veered as to the advisability of including the initiative, referendum and recall in the bill. At the final conference<sup>1</sup> it veered more completely, and the meeting, on taking a vote, found by a reasonably large majority that the delegates of the twenty-two cities there represented favored the introduction of all three of these features, Jersey City standing for the recall but not for initiative and referendum, while the other

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<sup>1</sup> See address of Adolph Roeder before the Legislative Committee, on March 15, 1911.

cities divided on the question; the majority were in favor of the three features being introduced.

As a result of these several conferences, a compromise bill was pressed and passed with the active co-operation of Governor Wilson, the main features of which are:

That upon the petition of 20 per cent of the voters<sup>1</sup> of a community the question of the adoption of the law locally must be submitted at an election. The board of commissioners shall be three in cities of less than 10,000; five in cities of 10,000 or more. The number may be changed from 3 to 5 or from 5 to 3 by commissioners by ordinance, subject to petition, referendum and endorsement by the voters. The term of office shall be four years. All meetings shall be public, as well as the minutes. Regular meetings must be held weekly. Salaries of commissioners in cities of first, second and third classes shall be not more than

	For Commissioner.	For Mayor.
Below 500.....	\$50	\$75
500 to 1,000.....	200	250
1,000 to 2,500.....	350	500
2,500 to 5,000.....	500	750
5,000 to 10,000.....	750	1,000
10,000 to 20,000.....	1,200	1,500
20,000 to 40,000.....	1,500	1,800
40,000 to 90,000.....	2,000	2,500
90,000 to 200,000.....	3,000	3,500
Over 200,000.....	5,000	5,500

<sup>1</sup> This was eventually made 30%.

In cities of the fourth class not more than

		For Commissioner.	For Mayor.
Below 500.....		\$250	\$500
500 to 1,000.....		500	750
1,000 to 2,500.....		1,000	1,250
2,500 to 5,000.....		1,250	1,500
5,000 to 10,000.....		1,500	2,000
10,000 to 20,000.....		2,000	2,500
20,000 to 40,000.....		2,500	3,000
40,000 to 90,000.....		3,000	4,000
Over 90,000.....		5,000	5,500

Salaries may be fixed by any board by ordinance, subject to petition, referendum and endorsement by the voters. This gives every city opportunity to fix by popular vote the compensation of its commissioners.

Officers and employees must not directly or indirectly be interested in any contract performed for the city or for any public utility corporation; nor receive any free pass or service of same, transportation of policemen and firemen in uniform excepted, and must make no promise to secure any support or vote.

Other provisions are similar to the usual run of commission laws.

In Virginia the campaign is being conducted by the League of Virginia Municipalities, which at its last annual meeting declared that in order "to give to the whole State of Virginia, counties as well as cities, the advantage of the system of pure democracy now enjoyed by the State of Oregon, the League of

Municipalities heartily endorses the commission plan of city government, of which direct legislation is an essential feature, and in order that the best interests of the cities as well as the counties may be conserved, urges the electors throughout the State, both in city and county, to vote for no man for the Legislature who will not pledge himself to vote and work for the passage of two amendments to the Constitution of the State, one conferring on the electors thereof and in its local subdivisions the right of direct legislation through the initiative and referendum, and the second conferring on cities the right to make their own charters." Amendments to this effect are now being considered by the present session of the legislature.

Alabama's legislature passed an act in 1911 which established commission government in the cities of Birmingham and Montgomery, the two cities having over 100,000. The first named city will have a commission of three and the latter one of five. The salary of each is \$7,000. The mayor in office at the time of the passage of the act was made a member of the commission, and the other commissioners were appointed by the Governor of Alabama. Hereafter they will be elected by the people.

New York State has a Commission Government Association which is vigorously advocating an optional law in that Commonwealth, and backing up such local movements as the active Buffalo one. It is advocating a measure providing that cities of third class may adopt a commission form of government. The

petition for the submission of such a proposition must be signed by at least one-eighth of the voters at the last preceding municipal election. The government of the cities is to be under control of a city council to be elected for four-year terms, except that in the first instance, if they are elected in an even numbered year they are to be elected for three years. The bill also provides for the initiative, the referendum and the recall. The member of the council receiving the highest number of votes is to be the mayor. There are to be five members of the council and they are to be the only elective officers of the city.

At a hearing held on March 28 before a joint session of the Cities Committees of the legislature, delegations from twenty-five cities appeared to argue in favor of several measures providing for a commission form of government. Despite the distractions caused by the senatorial situation, two full committees listened for several hours to the dry facts concerning this form of municipal government. Half a dozen commission charter bills have been introduced this year. Two of these provide a regular form of charter for second and third-class cities. The three measures specifically considered were bills providing new charters on the commission plan for the city of Buffalo, the city of Mount Vernon, and Batavia, the largest village in the State.

Utah's legislature passed a bill providing for the commission form of government which will apply to Salt Lake City, Ogden, Logan, Provo and Murray. In Salt Lake City there will be five commissioners,

but in all other cities three commissioners. The salaries in cities of the first and of the second class as having over 20,000 inhabitants are \$3,600 per annum for the commissioners and \$4,200 per annum for the mayor commissioner. Ogden is the only city of the second class coming within this provision. In cities of the second class having less than 20,000 inhabitants the salaries will be from \$500 to \$2,000, to be fixed within the range stated by the out-going city council. Aside from the elimination of the initiative, referendum and recall and civil service provisions, the scheme is practically a duplicate of the Des Moines plan, except that this form of government is imposed upon the cities to which it applies, no privilege of voting on the adoption being given.

Wyoming, too, has a new commission law, passed this year. It covers cities of 10,000 and more and gives the electors of the cities upon 15 per cent of them the option of voting on the adoption of the plan. The State of Washington enacted a law at the 1911 session providing for the commission plan in cities of a population from 2,500 to 20,000.

There are a number of modifications of the commission plan which are interesting as showing the influence of the movement. The "Staunton Plan" is the most significant of these. According to John Crosby, president of the commission council of Staunton, Virginia,<sup>1</sup> in March, 1908, the city of Staunton, with a population of 12,000 or more, threw off the yoke of municipal government by council committees

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<sup>1</sup> See *Municipal Journal and Engineer*, December 9, 1909.

and adopted the unique and business method of government by a general manager, whose prototype is found in every large private corporation. "Councilmen as a rule are men who have their private affairs to look after, which naturally consumes much of their time and attention, and it is not reasonable to presume that they, receiving neither pay nor thanks for anything they may do for the interest of the city, can afford to neglect their private interests to look after the business of the city. Hence, under the old system, the affairs of the city were run by the heads of departments with the assistance of a few councilmen who, in a great many cases, were contractors bidding for city contracts. Not frequently the heads of departments were men totally unfit for the positions they occupied. They received their appointments and held their jobs through political or other favored influence. Under the present 'Staunton Plan' this is all a thing of the past, and the business of the city is conducted on the same general business principles that all large industrial private corporations are conducted on."

The Constitution of Virginia requires cities to maintain their mayor and council, and in cities of the first class (those having a population of ten thousand or more) two branches of the council are required. "Therefore," Mr. Crosby tells us, "Staunton was unable to abolish the council and adopt a commission form of municipal government. However, as the provisions of Section 1038 of the Code permits the council to establish such offices as may be necessary to

properly conduct the city's affairs, the idea of a general manager was conceived, and the following ordinance was adopted:

AN ORDINANCE CREATING THE OFFICE OF A GENERAL  
MANAGER FOR THE CITY OF STAUNTON, VIRGINIA

"Be it ordained by the Council of the City of Staunton: Virginia.

"1. That there be appointed by the two branches of the council in joint session as soon as possible after the adoption of this resolution and thereafter annually at the regular election of city officers, in July of each year, an officer to be known and designated as 'general manager.'

"2. The general manager (except in case of the first appointment under this resolution, which shall be until the next regular election of city officers, in July, 1908) shall hold office for the term of one year and until his successor is duly elected and qualified, unless sooner removed by the council at its pleasure.

"3. The general manager shall be paid an annual salary of \* \* \* dollars, and he shall have the right to employ one clerk at a salary of \* \* \* dollars per annum, to be paid by the city, the amount to be hereafter fixed by the council.

"4. The general manager shall devote his entire time to the duties of his office, and shall have entire charge and control of all the executive work of the city in its various departments, and have entire charge and control of the head of departments and employees

of the city. He shall make all contracts for labor and supplies, and in general perform all of the administrative executive work now performed by the several standing committees of the council except the finance, ordinance and auditing committees. The general manager shall discharge such other duties as may from time to time be required of him by the council.

"5. The general manager before entering upon the duties of his office shall execute a bond before the clerk of the council in the penalty of \$5,000 with good and sufficient surety, conditioned for the faithful performance of the duties of his office."

This ordinance, as will be readily seen, is brief and simple, yet broad in its general terms, and can easily be expanded should the city's needs demand it.

So far the results have been highly satisfactory, although, as Mr. Crosby wisely points out:

"Of course this system, like all others, depends largely on the man who is in charge. In this we were fortunate in securing for general manager the services of a man who has measured up to all of our requirements, Charles E. Ashburner. So thoroughly satisfied was the council with the results of his management for the first year, that at the beginning of the second his salary was increased by \$500. In small cities and towns I think it very essential that the general manager should be a practical engineer, as this will save the expense of an engineer on the street work."

"The Lockport Plan," as it has been called because of the action of the Board of Trade of Lockport,

N. Y., in fathering it, represents another variation. In the view of its advocates it more nearly approximates the government of a city to the management of a well-conducted and prosperous private corporation. Under this plan there is a board of five aldermen elected at large on a non-partisan ballot for a term of five years and subject to a recall and with initiative and referendum provisions. This board of commissioners or aldermen is a legislative board. Its only administrative act is to select a "city manager," who appoints all city employes subject to civil-service rules, prepares the annual budget, and is responsible to the council for the administration of all city departments except that of education.

## CHAPTER XVI

### THE SUMMING UP

IN reaching a conclusion as to the effectiveness and efficiency of city government by commission it must always be borne in mind that its introduction into American municipal affairs has been coincident with the awakening of the American people to their municipal duties. This fact has given it vogue and vitality. The American student, legislator, administrator, turns a friendly ear to every suggested solution, and when a plan, even though owing its introduction into the arena of current affairs to a great physical disaster, produces results so generally satisfactory to the people of the cities directly concerned, it is only natural that it should be given a broad and generous support.

It has been wisely said that the commission government movement involves both a protest and a policy: a protest against the old order; an intelligent policy for a new order. American municipal conditions have been bad, desperately bad, and the rapid adoption of a plan, any plan, by 155 cities and its consideration by 267 more, shows how discontented Americans have become with these conditions. To be sure there

are many other evidences of discontent, but in this connection it is only necessary to cite this one.

The simplicity of the commission government is perhaps its greatest claim to consideration, and the chief cause of its success. It provides a simple form of nomination, a simple scheme of government, a simple machinery for its enforcement, a simple method of holding the interest of the voters and of enabling them to control their government.

"It was a fool," declared Mark Twain, "who said, 'Don't put all your eggs in one basket?' The wise man puts all his eggs in one basket and then *watches that basket.*'"

Our ordinary municipal government has exhibited the folly of putting our eggs in many baskets. In our fear that some public official might steal an egg now and then we have so scattered our eggs that nobody can watch them, nor for that matter in some cases even tell where they all are. The keynote of success of American private corporations is a system by which some one individual is personally responsible for everything done or left undone in the entire business. The recognition of this necessity has created the new profession of business systematizers. Several years ago the founder of a great industry, reluctantly yielding to his sons, allowed an expert to reorganize the business he had spent a lifetime in building up. The net result was a chart fixing personal responsibility upon some individual for every detail of enterprizes covering several states. A year later the father declared money so spent to be the best investment of his life.

So in regard to the usual American municipal charter and until recently the usual annual budgets and reports. The actual fact has been that the average citizen did not in the least know who was responsible for the existing, unsatisfactory state of affairs, nor how to get to work to change it. It is doubtful if even a finance commission like Boston's could really do so. It may be that a city is getting as good value for its expenditures as its neighbors for their smaller ones. It may be quite the reverse. It may be all its officials are honest and competent. The point is that under the present system it is difficult to find out and determine these facts. Under commission government such a situation does not exist to the same degree. Some official is made personally responsible for every dollar of public expenditures, and any man of average intelligence can with comparative ease find out who spent the money, for what it was spent and whether the article purchased cost more or less than others paid for the same thing. This is a great advantage of the commission plan, and the results described at considerable length in chapters XII, XIII and XIV have been achieved because of this direct and difficult-to-escape responsibility of the commissioners.

As the University of Wisconsin *Bulletin*, already quoted, points out, the records of the commission-governed cities show that the plan has almost invariably led to an improvement over the old system. In some instances, the improvement has been marked, even phenomenal; but in most cases merely what might be

reasonably expected from the introduction of better business methods.' It has not always resulted in an actual reduction in the cost of running the city, but it has invariably resulted in an improvement in the services rendered. In all cases the city has been placed on a cash basis, and its credit raised to par and above. In no city has there been a deficit at the end of the year. All cities have received interest on their deposits, and have received such discounts as have been offered for cash payments. In general, there has been an increase in the yearly improvements made, and in most cities, a more liberal park policy pursued. In practically all cities operating public utilities, there has been an increase in the revenue, and a reduction in operating expenses, due to the introduction of better business and administrative methods. In no city except Tacoma, Wash., has a commissioner ever been recalled, although one or two unsuccessful attempts have been made. No city, having adopted the commission plan, has yet abandoned it. This has been so because "the voters elect only officials important enough to know about, and few enough for them to know about; and because these few officials are given power enough to be held to account."

Thus, it would seem that the commission plan has established a *prima facie* case. Whether or not this will be permanent, and the same results will be obtained when the newness of the broom has worn off and the novelty of the change has gone, only the longer experience of a larger number of cities can show. So

far the large majority of the commission cities have had only a year or less of experience under the plan.

The commission form, in so far as it removes needless checks and balances, needless restrictions and red tape, enables the people the more readily and quickly to get possession and keep possession of their government—if they desire to do so. Although in this connection it must be pointed out that the concentration of administrative and legislative powers and duties in one set of men at election time may confuse the issues, the electorate may wish to endorse the policy represented by a poor administration or condemn the policy of an efficient executive, and yet it will find its hands tied because of the mingling of duties. On the other hand, officials finding themselves hampered and harassed by innumerable restrictions and endless red tape lose courage and hope, and their administrations end in disappointment alike to themselves and to the people, no matter how anxious they may have been at the start to do really fine things. Under the commission form they have a fair chance to do things. And further, as the commission knows no ward boundaries, being elected at large to represent the whole city, the opportunity for getting and keeping a higher type of more efficient and public-spirited men in office is increased.

We must never overlook the fact, however, that a change in the form of government without a change in the hearts of the people will avail nothing. As the Chicago *Tribune* has so sagely remarked, “the several cities which have been so quick to adopt the commis-

sion form would do well to temper their hopes and look to the part an alert civic conscience has to play in the success of all governments. Neither they nor any other community will ever discover any device which will relieve the citizen of the irksome duties of citizenship. He may relieve himself. But he will pay the price." This may be, as the *Tribune* admits, a sorry platitude, but it is also an inexorable truth. The great improvement in English municipal government did not come through a change in the form, although there was some improvement in detail. It came through the determination of the English people to have better government. As Dr. Munro points out in his admirable "Government of European Cities:" "The change (inaugurated in 1835) has not been brought about by any sweeping reconstruction of the organs of municipal government; for these are now almost exactly the same in structure and in function as they were before 1835. It was the spirit, not the form of local administration that was profoundly altered during the epoch of reform; the real change was that the citizens came to have a genuine voice in the administration of their own local affairs, that municipal oligarchy gave way to municipal democracy."

There must be no abandonment of the struggle for charter readjustment in America, however. There must be an improvement both in tools and the man. Carlyle hit the nail squarely on the head in his statement that "the true epic of our time is not arms and the man, but tools and the man, an infinitely wider kind of epic." We want the enlightened, per-

sistently interested citizen, and modern, effective tools and machinery, to accomplish the important work of governing our great cities.

Whether or not the commission form of government will be the dominant form in American municipalities it is impossible at this time to say, no cities except Galveston, Houston, and possibly Des Moines, having as yet given it a really sufficient trial. But if permanently successful in those cities, which are at present operating under it, the plan will exert a profound influence on the political thought and activities of the country. "All that can be safely declared," in the opinion of Prof. Albert Bushnell Hart, of Harvard, based on personal observation, "is that the Texas commissions are *so far* distinctly successful and are likely to last a considerable time and perhaps will be permanent." The careful observer is not willing to go beyond this; nevertheless, it must be borne in mind that the plan has two fundamental essentials to successful municipal government: simplicity and concentration of authority and responsibility, and these are mainly responsible for the popularity and success of the movement.

Just how much of the success so far achieved in the commission-governed cities is due to the existence of the initiative, referendum and recall in so large a number of the laws is as yet an undetermined question. They represent an effort to control the government in the interest of the people. In legal parlance they may be said to represent the power of instruction (initiative), confirmation (referendum) and cancella-

tion (recall) in a simple and effective form. Thus far there has been so little use of them that there are not sufficient facts to justify the statement of a conclusion.<sup>1</sup> It may, however, be fairly argued that their existence constitutes a substantial, and on the whole, an effective safeguard. Their value rests in their existence, rather than in their use. At the same time it must be borne in mind that in Texas, where commission government got its first impetus, neither of these provisions exists to any considerable extent, and the present governor of the state has vetoed a charter containing them on the ground that they are undemocratic and unnecessary to the success of commission government.<sup>2</sup> In a personal letter one of the leading proponents of the commission form of government says: "I am sending you under separate cover, copy of to-day's Galveston *News*, containing the veto filed on yesterday by the governor of this state, of a new charter for the city of Texarkana containing the initiative, the referendum, and recall. I believe the governor's message to be a strong document and worthy of careful consideration. One of the two members of the legislature from this city has introduced a bill containing these same provisions to be applied to the Galveston charter. Our board of city commission-

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<sup>1</sup> For a fuller discussion of their effect see the volume in the National Municipal League Series (published by D. Appleton & Co.) on the Initiative, Referendum and Recall, edited by Prof. William Bennett Munro.

<sup>2</sup> See Governor Colquitt's veto of the Texarkana Charter bill, Feb. 20, 1911.

ers and our commercial bodies have unanimously petitioned against the adoption of said provisions. As our state senator is opposed to said provisions, and in view of the governor's action, there is now no possible danger of our charter being disturbed. The provisions referred to may work well in some cities, but there is absolutely no doubt in my mind but that said provisions would work to no good purpose in the Galveston charter. We have in our city a very large number of negroes employed on the docks; we also have a very large number of unskilled white laborers; this city also has more barrooms, according to its population, than any other city in Texas. Under these circumstances it would be extremely difficult to maintain a satisfactory city government where all ordinances must be submitted back to the voters of the city for their ratification and approval. Our city attorney, one of the ablest lawyers in the entire state and a man of splendid judgment, is also strongly opposed to the initiative, referendum, and recall." My correspondent, however, does not point out why this self-same electorate should be given the right to select officials, but not to recall them if corrupt or inefficient, or instruct them if they are in doubt or obstinate.

Advocates of the plan must guard against heralding the commission form as a panacea for all municipal ills and as a sort of self-acting scheme for political perpetual motion. As Lowell, in one of his Essays, so sagely observes: "After our constitution got fairly into working order it really seemed as if we had invented a machine that would go of itself,

and this begot a faith in our luck which even the civil war itself but momentarily disturbed." So with commission government it seems in some cases, and in the minds of some of its advocates, to be capable of running itself. Such an attitude is sure to reap disappointment and reaction. Commission government does not solve the problem of home rule, it does not supply intelligence to either voters or officials. It is by no means the last word on the subject of municipal government, although it is a most important one. There are many who believe that the next step is to chose commissioners who will serve without pay, as a board of directors or a board of English aldermen, they in turn selecting or engaging the needed specialists for life or good behavior to do the real everyday work of the city. Such a plan has been suggested for Lincoln, Nebraska. The Staunton plan represents another significant modification. In the words of one of the principal proponents of the Galveston plan: "The commission plan is all right. It is an improvement, an unqualified success; but no plan can be devised which is self-operative, or which will relieve the people from the responsibilities of self-government. It is my belief that every city will have just such city government as its people deserves," and as E. L. Godkin pointed out many years ago, "no municipal reform will last long, or prove efficient, without a strong and healthy public opinion behind it. With this, almost any charter will prove efficient."

"I may add, however, that the commission form of government, with the safeguards which have been

thrown around it, constitutes a very substantial step forward in the betterment of municipal government in America.

Let no one be discouraged because we do not make progress faster, or because "the level of government rises pretty exactly in proportion to the rise of the level of civilization." It is well, "to fight for objective reforms, even for their own sake, but the great good which emerges from reform movements does not get into the statutes. That good is the inspiration to citizenship." Moreover, it is essential that in a democracy, democracy should really prevail, and this it can only do if the principles of self-government in true simplicity prevail. In the words of a Des Moines commissioner of experience: "We have not worked miracles and our acts have not been faultless. We have simply abolished an antiquated and complicated system that made it practically impossible for first-rate men to accomplish anything, and have installed a simpler system under which it has become difficult for even second-rate men to avoid giving good service and themselves grow in efficiency and self-respect.

"We set up no claim that we have attracted men of much higher character or much larger calibre into the city's service. We simply get good work from such as we have.

"We are not boasting loudly of greatly reduced tax levies. All we can point to with pride is that our levies are a little lower; that, being lower, we for the first time in the city's history live within our in-

come, for current expense, instead of piling up yearly deficits, to be funded later into permanent debts. We do claim and can prove, however, that the city gets much more for its less money, and that contract work charged to abutting property is far better and more permanent.

"We have no long and showy list of referendums carried over the heads of unwilling commissioners, or of ordinances neglected by them triumphantly initiated by the voters, or of unfaithful commissioners recalled. This is because these great measures have restored genuine representative government in Des Moines. *Our representatives represent.*"

That of itself is a substantial achievement.

## CHAPTER XVII

### THE DES MOINES PLAN

As the Des Moines charter embodies in simple form the chief features of commission government, it is given here in its entirety to afford at one and the same time a concrete illustration for the general student and a form for those called upon to draught commission charters. The Des Moines Act "to provide for the government of certain cities" was enacted by the Iowa Legislature, March 29, 1907. It provides:

#### *Cities Affected by the Act*

SECTION 1. That any city of the first or second class, or with special charter, now or hereafter having a population of seven<sup>1</sup> thousand or over, as shown by the last preceding state census, may become organized as a city under the provisions of this act by proceeding as hereinafter provided.

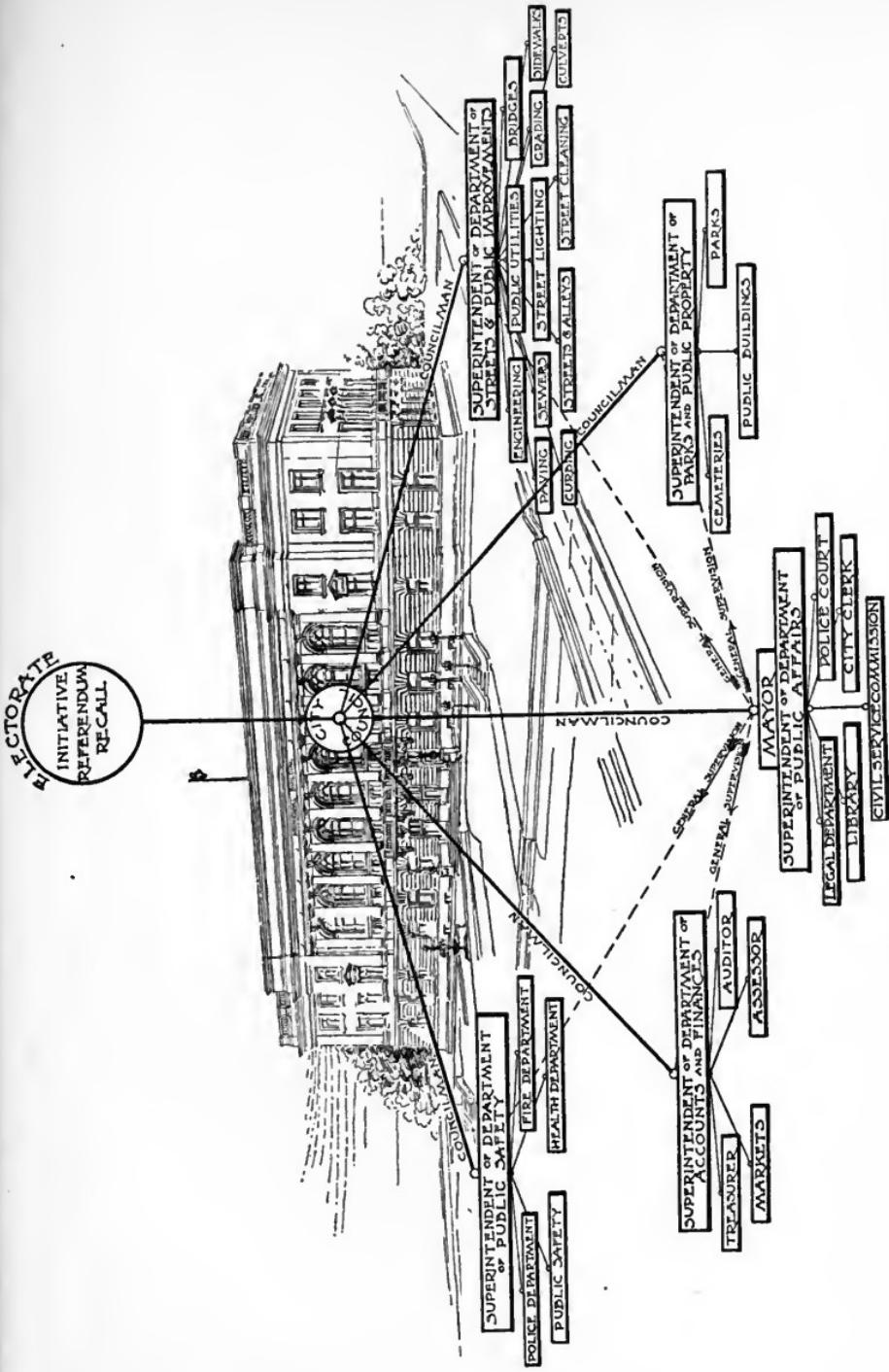
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<sup>1</sup> Originally this figure was 25,000. It was amended March 30, 1909.

*Provision for the Submission of the Question of Commission Government to the Electors*

SEC. 2. Upon petition of electors equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding city election of any such city, the mayor shall, by proclamation, submit the question of organizing as a city under this act at a special election to be held at a time specified therein, and within two months after said petition is filed; provided, however, that in case any city is located in two or more townships said petition shall be signed by twenty-five per centum of the qualified electors of said city residing in each of said townships. If said plan is not adopted at the special election called, the question of adopting said plan shall not be resubmitted to the voters of said city for adoption within two years thereafter, and then the question to adopt shall be resubmitted upon the presentation of a petition signed by electors as hereinbefore provided, equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding general city election. At such election, the proposition to be submitted shall be, "Shall the proposition to organize the city of (name the city), under chapter fourteen-c (14-c) of the supplement to the code, 1907, as amended by the acts of the thirty-third general assembly, be adopted?" and the election thereupon shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law in respect to other city elections. If the majority of the votes cast

DES MOINES PLAN OF CITY GOVERNMENT





shall be in favor thereof, cities having a population of twenty-five thousand and over shall thereupon proceed to the election of a mayor and four councilmen, and cities having a population of seven thousand, and less than twenty-five thousand, shall proceed to the election of a mayor and two councilmen, as herein-after provided. Immediately after such proposition is adopted, the mayor shall transmit to the governor, to the secretary of state, and to the county auditor, each a certificate stating that such proposition was adopted. At the next regular city election after the adoption of such proposition there shall be elected a mayor and councilmen. In the event, however, that the next regular city election does not occur within one year after such special election the mayor shall, within ten days after such special election, by proclamation call a special election for the election of a mayor and councilmen, sixty days' notice thereof being given in such call; such election in either case to be conducted as herein-after provided.<sup>1</sup>

#### *Applying the Law and Existing Ordinances to Commission-Governed Cities*

SEC. 3. All laws governing cities of the first and second classes<sup>2</sup> and not consistent with the provisions of this act, and sections 955, 956, 959, 964, 989, 1,000, 1,023 and 1,053 of the Code now applicable to special charter cities and not inconsistent with the provisions of this act, shall apply to and govern cities

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<sup>1</sup> As amended by the Act of March 30, 1909.

<sup>2</sup> *Ibid.*

organized under this act. All by-laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization shall remain in force until altered or repealed by the council elected under the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, and all rights and property of every description which were vested in any city under its former organization, shall vest in the same under the organization herein contemplated, and no right or liability either in favor of or against it, existing at the time, and no suit or prosecution of any kind shall be affected by such change, unless otherwise provided for in this act.

*Elective Offices. Terms of Office and Vacancies*

SEC. 4. In every city having a population of twenty-five thousand and over there shall be elected at the regular biennial municipal election a mayor and four councilmen, and in every city having a population of seven thousand and less than twenty-five thousand, there shall be elected at such election a mayor and two councilmen.<sup>1</sup>

If any vacancy occurs in any such office the remaining members of said council shall appoint a person to fill such vacancy during the balance of the unexpired term.

Said officers shall be nominated and elected at large.

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<sup>1</sup> As amended by the Act of March 30, 1909.

Said officers shall qualify and their terms of office shall begin on the first Monday after their election. The terms of office of the mayor and councilmen or aldermen in such city in office at the beginning of the terms of office of the mayor and councilmen first elected under the provisions of this act shall then cease and determine, and the terms of office of all other appointive officers in force in such city, except as hereinafter provided, shall cease and determine as soon as the council shall by resolution declare.

*Nomination and Election of Candidates*

SEC. 5. Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of this act shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Monday preceding the general municipal election. The judges of election appointed for the general municipal election shall be the judges of the primary election, and it shall be held at the same place, so far as possible, and the polls shall be opened and closed at the same hours, with the same clerks as are required for said general municipal election. Any person desiring to become a candidate for mayor or councilman shall, at least ten days prior to said primary election, file with the said clerk a statement of such candidacy, in substantially the following form:

State of Iowa, ..... County, ss.

I (———) being first duly sworn, say that I reside at.....street, city of....., county of..... State of Iowa; that I am a qualified voter therein; that I am a candidate for nomination to the office of (mayor or councilman) to be voted upon at the primary election to be held on the.....Monday of .....19..., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed) .....

Subscribed and sworn to (or affirmed) before me by.....on this.....day of..... 19...

(Signed) .....

and shall at the same time file therewith the petition of at least twenty-five qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number, of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

#### PETITION ACCOMPANYING NOMINATING STATEMENT

The undersigned, duly qualified electors of the city of.....and residing at the places set opposite our respective names hereto; do hereby request that the name of (name of candidate) be placed on the ballot

as a candidate for nomination for (name of office) at the primary election to be held in such city on the ..... Monday of ..... 19... We further state that we know him to be a qualified elector of said city and a man of good moral character and qualified in our judgment for the duties of such office.

Names of Qualified Electors	Number	Street

Immediately upon the expiration of the time of filing the statement and petitions for candidacies, the said city clerk shall cause to be published for three successive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballot, and if there be no daily newspaper, then in two issues of any other newspapers that may be published in said city; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a fac-simile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words, "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for

councilmen, with a square at the left of each name, and below the names of such candidates shall appear the words, "Vote for four," or "Vote for two," as the case may be. The ballot shall be printed upon plain, substantial white paper, and shall be headed:

CANDIDATES FOR NOMINATION FOR  
MAYOR AND COUNCILMEN OF \_\_\_\_\_  
CITY AT THE PRIMARY ELECTION.

but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

*(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)*

OFFICIAL PRIMARY BALLOT.  
CANDIDATES FOR NOMINATION FOR  
MAYOR AND COUNCILMEN OF \_\_\_\_\_  
CITY AT THE PRIMARY ELECTION.

For Mayor.

(Name of Candidate.)

(Vote for one.)

For Councilmen.

(Name of Candidates.)

(Vote for four) or (Vote for two) as the case may be.

Official Ballot attest:

(Signature)

.....  
City Clerk.

Having caused said ballots to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and challenges can be made by not more than two persons, to be appointed at the time of opening the polls by the judges of election; and the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the city clerk, upon proper blanks to be furnished by the said clerk, within six hours of the closing of the polls. On the day following the said primary election, the said city clerk shall canvass said returns so received from all the polling precincts, and shall make and publish in all the newspapers of said city, at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for mayor shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for mayor at the next succeeding general municipal election, and in cities having a population of twenty-five thousand and over, the eight candidates receiving the highest number of votes for councilman, or all such candidates if less than eight, and in cities having

a population of seven thousand and less than twenty-five thousand, the four candidates receiving the highest number of votes for councilman, or all such candidates if less than four, shall be the candidates, and the only candidates whose names shall be placed upon the ballot for councilman at such municipal election. All electors of cities under this act who by the laws governing cities of the first and second class and cities acting under special charter would be entitled to vote for the election of officers at any general municipal election in such cities, shall be qualified to vote at all elections under this act; and the ballot at such general municipal election shall be in the same general form as for such primary election, so far as applicable, and in all elections in such city the election precinct, voting places, method of conducting election, canvassing the vote and announcing the results, shall be the same as by law provided for election of officers in such cities, so far as the same are applicable and not inconsistent with the provisions of this act.<sup>1</sup>

### *Corrupt Practices*

SEC. 5-A. Any person who shall agree to perform any services in the interest of any candidate for any office provided in this act, in consideration of any money or other valuable thing for such services performed in the interest of any candidate, shall be punished by a fine not exceeding three hundred dollars

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<sup>1</sup> As amended by the Act of March 30, 1909.

(\$300), or be imprisoned in the county jail not exceeding thirty (30) days.

### *Bribery and Illegal Voting*

SEC. 5-B. Any person offering a bribe, either in money or other consideration, to any elector for the purpose of influencing his vote at any election provided in this act, or any elector entitled to vote at any such election receiving and accepting such bribe or other consideration; any person making false answer to any of the provisions of this act relative to his qualifications to vote at said election; any person willfully voting or offering to vote at such election who has not been a resident of this State for six months next preceding said election, or who is not twenty-one years of age, or is not a citizen of the United States; or knowing himself not to be a qualified elector of such precinct where he offers to vote; any person knowingly procuring, aiding or abetting any violation hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), and be imprisoned in the county jail not less than ten (10) nor more than ninety (90) days.

### *Constitution of the Council*

SEC. 6. Every city having a population of twenty-five thousand and over shall be governed by a council

consisting of the mayor and four councilmen, and every city having a population of seven thousand and less than twenty-five thousand shall be governed by a council consisting of the mayor and two councilmen, chosen as provided in this act, each of whom shall have the right to vote on all questions coming before the council. In cities having four councilmen three members of the council shall constitute a quorum, and in cities having two councilmen, two members of the council shall constitute a quorum, and in cities having four councilmen the affirmative vote of three members, and in cities having two councilmen the affirmative vote of two members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure unless a greater number is provided for in this act.<sup>1</sup>

### *Powers and Duties of the Council*

SEC. 7. The council shall have and possess, and the council and its members shall exercise all executive, legislative and judicial powers and duties now had, possessed and exercised by the mayor, city council, solicitor, assessor, treasurer, auditor, city engineer and other executive and administrative officers in cities of the first and second class, and in cities under special charter, and shall also possess and exercise all executive, legislative and judicial powers and duties now had and exercised by the board of public works,

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<sup>1</sup> As amended by the Act of March 30, 1909.

park commissioners, the board of police and fire commissioners, board of water works trustees, and board of library trustees in all cities wherein a board of public works, park commissioners, board of police and fire commissioners, board of water works trustees, and board of library trustees now exist or may be hereafter created.<sup>1</sup>

The executive and administrative powers, authority and duties in such cities shall be distributed into and among five departments, as follows:

1. DEPARTMENT OF PUBLIC AFFAIRS.
2. DEPARTMENT OF ACCOUNTS AND FINANCE.
3. DEPARTMENT OF PUBLIC SAFETY.
4. DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENTS.
5. DEPARTMENT OF PARKS AND PUBLIC PROPERTY.

The council shall determine the powers and duties to be performed by, and assign them to the appropriate departments; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments; and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

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<sup>1</sup> As amended by the Act of March 30, 1909.

*Organisation of Departments*

SEC. 8. The mayor shall be superintendent of the department of public affairs, and the council shall at the first regular meeting after election of its members designate by majority vote one councilman to be superintendent of the department of accounts and finances; one to be superintendent of the department of public safety; one to be superintendent of the department of street and public improvements; and one to be superintendent of the department of parks and public property; provided, however, that in cities having a population of less than twenty-five thousand there shall be designated to each councilman two of said departments. Such designation shall be changed whenever it appears that the public service would be benefited thereby. The council shall, at said first meeting, or as soon as practicable thereafter, elect by majority vote the following officers: A city clerk, solicitor, assessor, treasurer, auditor, civil engineer, city physician, marshal, chief of fire department, market master, street commissioner, three library trustees, and such other officers and assistants as shall be provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the city; provided, however, that in cities having a population of less than twenty-five thousand such only of the above-named officers shall be appointed as may, in the judgment of the mayor and councilmen, be necessary for the proper and efficient transaction of the affairs of the city. In those cities of the first class not having a

superior court, the council shall appoint a police judge. In cities of the second class not having a superior court the mayor shall hold police court, as now provided by law. Any officer or assistant elected or appointed by the council may be removed from office at any time by vote of a majority of the members of the council, except as otherwise provided for in this act.<sup>1</sup>

### *Creation and Abolition of Offices*

SEC. 9. The council shall have power from time to time to create, fill and discontinue offices and employments other than herein prescribed, according to their judgment of the needs of the city; and may by majority vote of all the members remove any such officer or employee, except as otherwise provided for in this act; and may by resolution or otherwise prescribe, limit or change the compensation of such officers or employees.

### *Salaries*

SEC. 10. The mayor and councilmen shall have an office at the city hall, and their total compensation shall be as follows: In cities having by the last preceding state or national census a population of 7,000 and less than 10,000 the mayor's annual salary shall be \$600, and each councilman \$450. In cities having by such census a population of 10,000 and less than 15,000 the mayor's annual salary shall be \$1,200 and each

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<sup>1</sup> As amended by the Act of March 30, 1909.

councilman \$900. In cities having by such census a population of 15,000 and less than 25,000 the mayor's annual salary shall be \$1,500 and each councilman \$1,200. In cities having by such census a population of 25,000 and less than 40,000 the mayor's annual salary shall be \$2,500 and each councilman \$1,800. In cities having by such census a population of 40,000 and less than 60,000, the mayor's annual salary shall be \$3,000 and each councilman \$2,500, and in cities having by such census a population of 60,000 or more the mayor's annual salary shall be \$3,500 and that of councilman \$3,000.<sup>1</sup>

Any increase in salary occasioned under the provisions of this scale by increase in population in any city shall commence with the month next after the official publication of the census showing such increase therein.

Every other officer or assistant shall receive such salary or compensation as the council shall by ordinance provide, payable in equal monthly installments.

The salary or compensation of all other employees of such city shall be fixed by the council and shall be payable monthly or at such shorter periods as the council shall determine.

#### *Meetings of the Council*

SEC. 11. Regular meetings of the council shall be held on the first Monday after the election of coun-

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<sup>1</sup> As amended by the Act of March 30, 1909.

cilmens, and thereafter at least once each month. The council shall provide by ordinance for the time of holding regular meetings, and special meetings may be called from time to time by the mayor or two councilmen. All meetings of the council, whether regular or special, at which any person not a city officer is admitted, shall be open to the public.

The mayor shall be president of the council and preside at its meetings, and shall supervise all departments and report to the council for its action all matters requiring attention in either. The superintendent of the department of accounts and finances shall be vice president of the council, and in case of vacancy in the office of mayor, or the absence or inability of the mayor, shall perform the duties of the mayor.

### *Ordinances, Resolutions and Franchises*

SEC. 12. Every ordinance or resolution appropriating money or ordering any street improvement or sewer, or making or authorizing the making of any contract, or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be complete in the form in which it is finally passed, and remain on file with the city clerk for public inspection at least one week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges or public places in any city shall be granted, renewed or extended, except by ordinance, and every franchise or grant for interurban or street

railways, gas or water works, electric light or power plants, heating plants, telegraph or telephone systems, or other public service utilities within said city, must be authorized or approved by a majority of the electors voting thereon at a general or special election, as provided in section 776 of the Code.

### *Restrictions on Officers and Employees*

SEC. 13. No officer, or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for the city; and no such officer or employee shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of said city. No such officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any frank, free ticket or free service, or accept or receive, directly or indirectly,

from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract or agreement shall be void.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section. Any officer or employee of such city who, by solicitation or otherwise, shall exert his influence, directly or indirectly, to influence other officers or employees of such city to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding three hundred dollars (\$300) or by imprisonment in the county jail not exceeding thirty (30) days.

#### *Civil Service Commission: Its Powers and Duties*

SEC. 14. In cities having a population of twenty-five thousand and over the council shall, and in cities having a population of seven thousand and less than twenty-five thousand the council may, immediately after organizing, by ordinance appoint three civil service commissioners who shall hold office, one until the first Monday in April of the second year after his appoint-

ment one until the first Monday in April of the fourth year after his appointment, and one until the first Monday in April of the sixth year after his appointment; provided, however, that in all cases in which no civil service commissioners are appointed by the council, the council shall have the same powers and shall exercise and perform all the duties devolving upon such commissioners, as provided for in this act. In cities wherein civil service commissioners have been appointed under the provisions of this act each succeeding council shall, as soon as practicable after organizing, appoint one commissioner for six years, who shall take the place of the commissioner whose term of office expires.<sup>1</sup>

No person while on the said commission shall hold or be a candidate for any office of public trust. Two of said members shall constitute a quorum to transact business. The commissioners must be citizens of Iowa, and residents of the city for more than three years next preceding their appointment.

The council may remove any of said commissioners during their term of office for cause, four councilmen voting in favor of such removal, and shall fill any vacancy that may occur in said commission for the unexpired term. The city council shall provide suitable rooms in which the said civil service commission may hold its meetings. They shall have a clerk, who shall keep a record of all its meetings, such city to supply the said commission with all necessary equipment to properly attend to such business.

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<sup>1</sup> As amended by the Act of March 30, 1909.

*Oath of Office*

(a) Before entering upon the duties of their office, each of said commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the Constitution of the United States and of the State of Iowa, and to obey the laws, and to aim to secure and maintain an honest and efficient force, free from partisan distinction or control, and to perform the duties of his office to the best of his ability.

*Examinations*

(b) Said commission shall, on the first Monday of April and October of each year, or oftener if it shall be deemed necessary, under such rules and regulations as may be prescribed by the council, hold examinations for the purpose of determining the qualifications of applicants for positions, which examination shall be practical and shall fairly test the fitness of the persons examined to discharge the duties of the position to which they seek to be appointed. Said commission shall as soon as possible after such examination, certify to the council double the number of persons necessary to fill vacancies, who, according to its records, have the highest standing for the position they seek to fill as a result of such examination, and all vacancies which occur, that come under the civil service, prior to the date of the next regular examination, shall be filled from said list so certified; provided, however, that should the list for any cause be reduced to

less than three for any division, then the council or the head of the proper department may temporarily fill a vacancy, but not to exceed thirty days.

*Removals and Discharges. Appeals*

(c) All persons subject to such civil service examinations shall be subject to removal from office or employment by the council for misconduct or failure to perform their duties under such rules and regulations as it may adopt, and the chief of police, chief of the fire department, or any superintendent or foreman in charge of municipal work, may peremptorily suspend or discharge any subordinate then under his direction for neglect of duty or disobedience of his orders, but shall, within twenty-four hours thereafter, report such suspension or discharge, and the reason therefor, to the superintendent of his department, who shall thereupon affirm or revoke such discharge or suspension, according to the facts.

Such employee (or the officer discharging or suspending him) may, within five days of such ruling, appeal therefrom to the council, which shall fully hear and determine the matter.

*Power to Summon Witnesses. Reports. Rules and Regulations*

(d) The council shall have the power to enforce the attendance of witnesses, the production of books and papers, and power to administer oaths in the same manner and with like effect, and under the same pen-

alties, as in the case of magistrates exercising criminal or civil jurisdiction under the statutes of Iowa.

Said commissioners shall make annual report to the council, and it may require a special report from said commission at any time; and said council may prescribe such rules and regulations for the proper conduct of the business of the said commission as shall be found expedient and advisable, including restrictions on appointment, promotions, removals for cause, roster of employees, certification of records to the auditor, and restrictions on payment to persons improperly employed.

#### *Penalties*

(c) The council of such city shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this act relating to the civil service commission.

#### *Application of the Act*

(f) The provisions of this section shall apply to all appointive officers and employees of such city, except those especially named in section 8 of this act, commissioners of any kind (laborers whose occupation requires no special skill or fitness), election officials, and mayor's secretary and assistant solicitor, where such officers are appointed; provided, however, that existing employees heretofore appointed or employed after competitive examination or for long service under the provisions of chapter 31, acts of the Twenty-ninth General Assembly, and subsequent amendments

thereto, shall retain their positions without further examination unless removed for cause.

All officers and employees in any such city shall be elected or appointed with reference to their qualifications and fitness, and for the good of the public service, and without reference to their political faith or party affiliations.

It shall be unlawful for any candidate for office, or any officer in any such city, directly or indirectly, to give or promise any person or persons any office, position, employment, benefit, or anything of value, for the purpose of influencing or obtaining the political support, aid or vote of any person or persons.

Every elective officer in any such city shall, within thirty days after qualifying, file with the city clerk, and publish at least once in a daily newspaper of general circulation, his sworn statement of all his election and campaign expenses, and by whom such funds were contributed.

Any violation of the provisions of this section shall be a misdemeanor and be a ground for removal from office.

#### *Monthly Itemized Statements*

SEC. 15. The council shall each month print in pamphlet form a detailed itemized statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the state library, the city library, the daily newspapers of the city, and to persons who shall apply therefor at the office of the city

clerk. At the end of each year the council shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditures.

### *Appropriations*

SEC. 16. If, at the beginning of the term of office, of the first council elected in such city under the provisions of this act, the appropriations for the expenditures of the city government for the current fiscal year have been made, said council shall have power, by ordinance, to revise, to repeal or change said appropriations and to make additional appropriations.

### *Definition of Terms*

SEC. 17. In the construction of this act the following rules shall be observed, unless such construction would be inconsistent with the manifest intent, or repugnant to the context of the statute :

1. The words "councilman" or "alderman" shall be construed to mean "councilman" when applied to cities under this act.
2. When an office or officer is named in any law referred to in this act, it shall, when applied to cities under this act, be construed to mean the office or officer having the same functions or duties under the provisions of this act, or under ordinances passed under authority thereof.

3. The word "franchise" shall include every special privilege in the streets, highways and public places of the city, whether granted by the state or the city, which does not belong to the citizens generally by common right.

4. The word "electors" shall be construed to mean persons qualified to vote for elective offices at regular municipal elections.

### *The Recall*

SEC. 18. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office of mayor at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes,

and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine and from the voters' register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose; and he shall attach to said petition his certificate, showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient, the council shall order and fix a date for holding the said election, not less than thirty days or more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

"So far as applicable, except as otherwise herein provided, nominations hereunder shall be made without the intervention of a primary election by filing with the clerk at least ten (10) days prior to said election, a statement of candidacy accompanied by a petition signed by electors entitled to vote at said special election equal in number to at least ten per centum of

the entire vote for all candidates for the office of mayor at the last preceding general municipal election, which said statement of candidacy and petition shall be substantially in the form set out in section ten hundred fifty-six-a twenty-one (1056-a 21) of the supplement of the code, 1907, so far as the same is applicable, substituting the word 'special' for the word 'primary' in such statement and petition, and stating therein that such person is a candidate for election instead of nomination.

"The ballot for such special election shall be in substantially the following form:

#### OFFICIAL BALLOT.

Special election for the balance of the unexpired term of.....as.....

For .....

(Vote for one only)

(Names of Candidates)

.....

.....

Name of present incumbent

.....

Official ballot attest:

(Signature)

.....

City Clerk."<sup>1</sup>

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<sup>1</sup> The paragraphs in quotation marks were added by the Act of April 16, 1909.

The council shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared, in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify, within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in his office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law.

### *The Initiative and the Referendum*

SEC. 19. Any proposed ordinance may be submitted to the council by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verification, authentication, inspection, certification, amendment and submission of

such petition shall be the same as provided for petitions under section 18 hereof.

If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding general election, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the council, such council shall either

(a) Pass said ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition; or

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of said city.

But if the petition is signed by not less than ten nor more than twenty-five per centum of the electors, as above defined, then the council shall, within twenty days, pass said ordinance without change, or submit the same at the next general city election occurring not more than thirty days after the clerk's certificate of sufficiency is attached to said petition.

The ballots used when voting upon said ordinance shall contain these words: "For the Ordinance" (stating the nature of the proposed ordinance), and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose.

The council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city clerk shall cause such ordinance or proposition to be published once in each of the daily newspapers published in said city; such publication to be not more than twenty or less

than five days before the submission of such proposition or ordinance to be voted on.

*Going into Effect of Ordinances. Protest Petitions*

SEC. 20. No ordinance passed by the council, except when otherwise required by the general laws of the state or by the provisions of this act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the council, shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance; and if the same is not entirely repealed, the council shall submit the ordinance, as is provided by subsection b of section 19 of this act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section 19, except as to the per-

centage of signers, and be examined and certified to by the clerk in all respects as therein provided.

*Procedure for the Abandonment of the Commission Form*

SEC. 21. Any city which shall have operated for more than six years under the provisions of this act may abandon such organization hereunder, and accept the provisions of the general law of the state then applicable to cities of its population, or if now organized under special charter, may resume said special charter, by proceeding as follows:

Upon the petition of not less than twenty-five per centum of the electors of such city a special election shall be called, at which the following proposition only shall be submitted: "Shall the city of (name the city) abandon its organization under chapter — of the acts of the Thirty-second General Assembly and become a city under the general law governing cities of like population, or if now organized under special charter shall resume said special charter?

If a majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the state for cities of like population, and upon the qualification of such officers such city shall become a city under such general law of state; but such change shall not in any manner or degree affect the property, right or liability

ties of any nature of such city, but shall merely extend to such change in its form of government.

The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared, generally as provided by section 18 of this act, in so far as the provisions thereof are applicable.

### *Requirements About Petitions*

SEC. 22. Petitions provided for in this act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city stating that the signers thereof were, at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made.

### *Act in Effect*

SEC. 23. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.<sup>1</sup>

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<sup>1</sup> Approved March 29, 1907; amended by Act of March 30, 1909, as indicated.

## CHAPTER XVIII

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